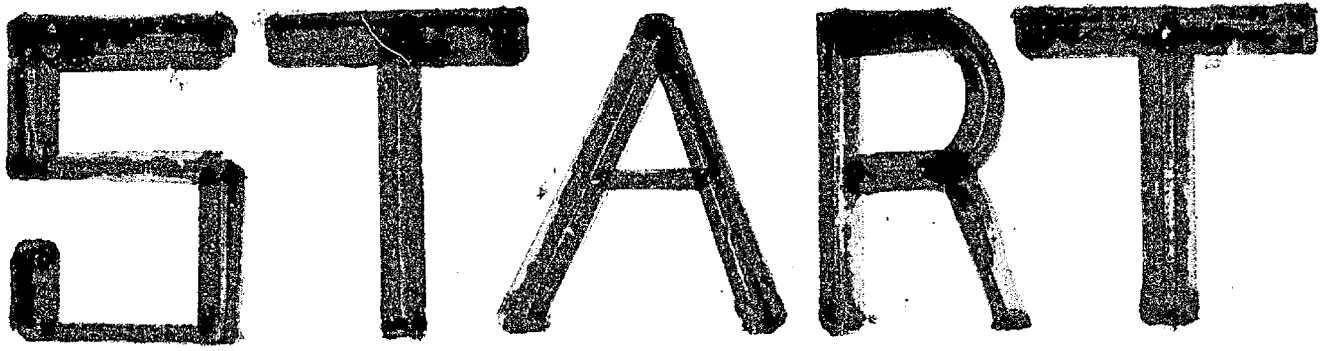
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KODAGU DIST., HISTORICAL RECORDS

Source:- D. C's office
MADIKERI
(1798, 1834-1956)

KODAGU DIST. HISTORICAL
RECORDS
MICROFILMING
CONTINUED
IN THIS ROLL

OFFICE OF THE CHIEF COMMISSIONER OF COORG.

OLD RECORDS
(1834 to 1884).

FILES

Nos. to

OFFICE OF THE CHIEF COMMISSIONER OF COORG.

OLD RECORDS
(1834 to 1884).

FILES

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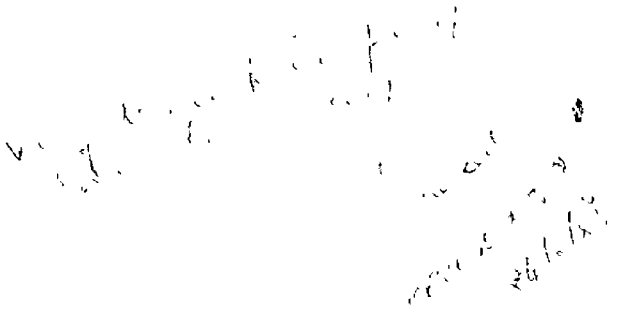


Old Records.

File No. 71

Collection No.

19 .

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos. 1-15

Convicts.	Subject.
	Instructions for the examination of --sentenced to transportation both at the jails at which they are confined and again prior to embarkation(s.1)
	Instructions in the matter of sending ---transferred from Coorg to Bombay for transportation to the Andamans(s.2)
	Instructions regarding the place to which time expired----from Andamans should be sent(s.3)
	Discharge from jailof Military --to be brought to the notice of military authorites(s.4)
	Escaped ---from the Penal settlements when recaptured to be sent back to their Penal Settlement to be dealt with them according to rule(s.5).
	Provision of prison clothing for military ---proceeding to England.
	Admission of ----from Coorg into the Jail at Mangalore(s.8)
	Transfer of ----D'Costa to the Cannanore Jail(s.9)
	Transfer of --from the Mercara Jail to that of Cannanore or elsewhere especially East Indian Prisoners as a temporary measure(s.10)
	Descriptive rolls of all female life ---transported to Port Blair.
	Remission of sentence to ---sentenced to transportation for life, but detained jails in India on account of sickness(s.13)
	Warrants of ---conditionally released and allowed to return to their own country(s.14)
	Descriptive rolls of ---deported to Port Blair(s.15).

S. 97 — Green)

MFP- 2158 P—(M 215) 21-6-31—30,000

Letter No.22/1378, dated the 18th March 1868 from the G of I to Commissioner of Coorg regarding deportation of convicts under and above the age of 45 years sentenced to transportation- discretion ~~x~~ given to Local Governments.(1)
Letter No.330 dated the 6th March 1871 from the G of I, Home Department (Judicial) to Chief Commissioner of Coorg ~~xx~~ regarding instructions in the matter of sending convicts transferred from Coorg to Bombay for transportation to the Andamans(s.20
Endorsement No.45 dated the 29th March 1873 from the G of I, Home Department to Chief Commissioner of Coorg forwarding copy of letter No.36 dated the 29th March 1873 to Superintendent of Port Blair conveying instructions regarding the place or province to which time expired convicts from Andamans should be sent(s.3)
Letter No.37/180, dated the 31st October 1873 from the G of I Home Department(Judicial) to Chief Commissioner of Coorg.
All escaped convicts from the Penal Settlements when re-captured on the main land to be sent back to their Penal Settlements - Letter No.3/304, dated the 22nd November 1873 from the G of I Home Department to Chief Commissioner of Coorg.
Letter No.38/1968, dated the 11th December 1873 from the G of I,Home Department(Judicial) to Chief Commissioner of Coorg regarding the provision of prison clothing for military convicts proceeding to England via Bombay(s.6)
Letter No.2/159, dated the 18th May 1874 from the G of I Home Department- to Chief Commissioner of Coorg directing certain procedure to be observed upon the re-capture of convicts escaped from the Andamans(s.7)
Letter No.270/1, dated the 30th June 1874 from the Chief Commissioner of Coorg to Chief Secretary to Govt, of Madras soliciting that 30 convicts be allowed to occupy the jail at Mangalore in consequence of the over crowded state of the Mercara Jail(s.8)
Letter No.2222/275, dated the 1st February 1875 from the Judicial Commissioner of Coorg regarding transfer of East Indian Convict F.M.D'Costa to the Central Jail at Cannanore.(s.9)
Letter No.21/Judl,1 dated the 9th April 1875 to Chief Secretary to the Govt. of Madras forwarding a copy of a letter from the Judicial Commissioner and requesting an expression of the views of H.E the Governor in Council regarding the transfer of convicts from Mercara Jail to that of Cannanore or elsewhere especially East Indian Prisoners, as a a temporary measure(s.10)
Endorsement No.175 dated the 26th January 1881 from the G of I Home, Revenue and Agricultural Department regarding clothing required for military convicts proceeding to England to be provided by the Military cost being recovered from prison funds.(s.11)
Letter No.2/344, dated the 19th December 1881 from the G of I Home Department to Chief Commissioner of Coorg stating that descriptive rolls of all female convicts who may be transported to Port Blair should state whether they are married ~~x~~ or single or have been divorced from their husbands(s.12)
Letter No.1/66, dated the 3rd January 1883 from the G of I, Home Department to Chief Commissioner of Coorg forwarding correspondence on regulating the grant of remission of sentences to convicts transported for life, with a view to adopt similar measures as regards life convicts detained in the jails of Coorg(s.13).
Endorsement No.2/194, d/ 18-4-1883 from the G of I, Home Dept. forwarding copy of letter No.185, d/ 18-4-1883 to the Superintendent of Port Blair, sanctioning his proposal that the warrants of convicts conditionally released and allowed to return to their own country may be forwarded to the Local Governments concerned.(s.14).

P.T.O.

Table of contents (continued).

Letter No.5/425, dated the 31st August 1883 from the Government of India, Home Department requesting to issue instructions to jail officers to secure generally a more careful and intelligent record of the descriptive marks of convicts than is ordinarily present entered in the rolls(s.15).

SN 1

No. 22 1370

From

E. C. BAYLEY, Esquire,
Secy. to the Govt. of India,

To

The CHIEF SECY. to the GOVT. of
FORT ST. GEORGE.

Sir,

Fort William, the 18th March 1868.

Home Dept. Public

I am directed to acknowledge the receipt of your letter No. 102, dated the 1st ultimo, forwarding a copy of the instructions issued by His Excellency the Governor in Council for the examination of convicts sentenced to transportation, and requesting that, instead of pronouncing definitely that no convict who is more than 45 years of age shall be sent to Port Blair, a discretion may be left to the Local Government to deal with each case on its merits.

2. In reply, I am desired to state that, according to the urgent request of the Madras Government, the Governor General in Council is willing to authorize the relaxation of the order of the 5th December last to the extent proposed, and leaves it discretionary with His Excellency the Governor in Council to send to Port Blair prisoners above 45 years of age, on the understanding that stringent precautions are taken to ensure the selection of such convicts only whose general health and condition are likely to bear up fairly against the hardships of transmarine deportation and the climate of Port Blair.

3. As regards the course suggested in the 2nd paragraph of your letter to be adopted in the case of prisoners sentenced to transportation, but whom it may be decided, on account of their physical condition, not to despatch to Port Blair, I am to observe that a sentence of transportation does not necessarily imply deportation beyond the *sea*. Transportation includes deportation to any place within the continent of India which may have been selected for the purpose by the Governor General in Council. The orders of of the 5th December, however, relate only to transportation across seas.

4. Section 51 of the Criminal Procedure Code allows the Supreme Government to appoint any Jail in British India a place of transportation; and, if His Excellency the Governor in Council will be good enough to indicate proper Jails for the purpose, the Governor General in Council will constitute them places of transportation under the provisions of the Section above cited.

5. In restricting transportation to Port Blair to prisoners who are not above 45 years of age, and who are in robust health and fit for hard labor, the sole object of the Governor General in Council

was to secure that transportation should not be practically the sentence of a slow and wasting death. To carry out such a sentence would palpably be worse than to authorize even an illegal detention of the prisoners in the Jails in which they were originally confined.

I have the honor to be,
SIR,
Your most obedient servant,

E. C. BAYLEY,
Secy. to the Govt. of India.

No. 22
1385

Copy of this letter, and of the one to which it is a reply, with a copy of the instructions referred to, forwarded to the [illegible] with reference to communication from this Department, dated the 5th December last, and with the remark that the relaxation now permitted is a general one, and not confined to the Madras Presidency.

E C Bayley

Secy Govt
No 2997 / 206 Copy forwarded to Jud'l Commissioner for information 27/3/68

[illegible]

From 1868. No. 133

To

Dated 1868

Despatched 8 March

Received March 1868

Enclosures No.

General No. 22 / No. 1395 } 1867-68.

With reference to Correspondence from the Home Dept. ending with Mr. Grant's letter of 15th January last, forwarding a Copy of Lord Lisburne's letter to the Govt. of Fort St. George, on the Subject of the transportation of Convicts under the age of 45 years sentenced to transportation.

Copy

Fort St. George

Public Department

No. 995

Dated 28th October 1867

Received 4th November 1867

Answered 5th November 1867

DEPARTMENT.

BRANCH.

File N

Serial N

Draft Letter / Memorandum / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. Dated 19

To

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S. 6.

DGIPC—S1—138(Genl)MTP—(M-1933)—3-5-34—50,000 Pads.

From R. S. Ellis, Esquire, C. B., Chief Secretary to the Government of Fort St. George, to E. C. Bayley, Esquire, Secretary to the Government of India,—No. 162, dated the 1st February 1868.

Dated 1st February 1868, No. 161.

I am directed to acknowledge the receipt of Mr. Secretary Bayley's letter dated 5th December 1867, and in reply to forward the Proceedings* of Government, containing the instructions issued for the examination of convicts sentenced to transportation, both at the Jails at which they are confined, and again prior to embarkation.

2. I am to observe that the Governor in Council is of opinion that, whenever it may be decided that a convict is, by advanced age, serious chronic infirmity, or active disease, unfitted for hard labor, and, therefore, according to the view taken by the Government of India, not a fit subject for transportation, it will be necessary to legalize the suspension of the sentence of transportation by applying the provisions of Section 54, Code of Criminal Procedure, or those of Section 55 of the Indian Penal Code, as the case may be.

3. The Governor in Council is also of opinion that it is not desirable to pronounce definitely that no criminal who is more than 45 years of age shall be transported. The knowledge of this very considerable alteration of the law would, it is feared, have an evil effect on the criminal classes of the country, by removing the check which the fear of transportation advantageously exercises in the repression of crime of a heinous nature. It will, it is submitted, be better that the Local Government should deal with each case on its merits, keeping in view the object contemplated by the Government of India—the reduction of the mortality among convicts at the Settlement of Port Blair.

4. I am desired to solicit the instructions of the Government of India upon these questions.

Proceedings of the Madras Government, Judicial Department, dated the 1st February 1868.

No. 7. Read the following letter :—

From E. C. Bayley, Esquire, Secretary to the Government of India, to the Secretary to the Government of Fort St. George,—No. 80-913, dated the 5th December 1867.

In his Report on the health of the convicts at Port Blair for July, the Senior Medical Officer of that Settlement has commented strongly upon the excessive mortality among certain gangs of convicts stationed on Viper Island, consisting of the old, blind, lepers, and cripples, unfit for work. Amongst these men the mortality reached as high as 5·7 per cent. during that month.

2. There can be no doubt that Natives of India, if they are, on arrival at Port Blair, either old, sick, or infirm, succumb almost infallibly, and within a very short time, to the climate of that Settlement. Moreover, only healthy and able-bodied convicts, fit to work, are required at Port Blair, where the expense of maintaining prisoners is far in excess of the cost in the most expensive Jails on the mainland of India.

3. His Excellency in Council, therefore, feels it incumbent on him to urge on His Excellency the Governor in Council to issue immediate and stringent instructions to the proper Authorities to stop the transmission of such invalids to Port Blair, and to request that every convict, before he is selected for transportation at the Prison in which he is confined, and also before embarkation, may undergo close examination, and that none be sent who are above 45 years of age, and who are not in robust health and fit for hard labor, and that the arrangements for their conveyance may be such as shall, as far as possible, prevent any deterioration of their health during the voyage.

4. I am to request His Excellency the Governor in Council will charge some competent Officer with the responsibility of seeing that these instructions are in future strictly obeyed.

Extract from the Proceedings of the Government of India, in the Home Department (Public),—No. 79-832, under date the 2nd December 1867.

Read a letter from the Chief Commissioner of British Burmah, No. 871, dated the 24th June 1867, submitting a Report by Major H. Nelson Davies on his

inspection of the Penal Settlement of Port Blair, together with a Minute thereon by Colonel Fytche, and other documents relating to the subject.

RESOLUTION.—It will be convenient, in remarking on the several subjects mentioned in Major Davies's Report, to follow, as far as possible, the arrangement adopted in the Minute of Colonel Fytche, and to communicate the orders of Government on each subject in the order therein noticed.

2. *1st.—As to the health of the convicts in the Settlement.*

The death-rate in 1866 reached 10½ per cent., or four cent. more than that of the previous year. Several causes are assigned for this increase of mortality, the chief of which are—

1.—Climatic influences.
2.—The importation of unhealthy convicts, or men unfit, by age, &c., for transportation.
3.—Defective diet.
4.—Work of an unhealthy nature.

3. As to the first of these causes, it seems beyond doubt that the unhealthy condition in which the body of the convicts now are is directly ascribable to the results of malaria.* At the same time Dr. Gamach quotes, with concurrence, Dr. Morton's statement—"That the climate is *not* inimical to either Europeans or Natives of India, *who arrive here in a tolerably healthy state, who partake of nutritive and wholesome food, and are exempt of jungle work.*" The remarkably healthy state of the European Detachment (the Naval Brigade, while in existence, was equally healthy,) of the Madras Sappers, and of the Madras convicts whom Mr. Homfray has messed at Port Mouat,† go to show that the conclusion is true.

* See Dr. Gamach's Report on the sanitary condition of the Settlement for 1866, and Report of the Sanitary Commission appointed by Major Davies, in Appendix, Vol. I., pp. 1-32.

† Chief Commissioner's letter forwarding July's Report, page 1, paragraph 1

4. In 1861 much of the unhealthiness was ascribed to want of proper accommodation and over-crowding. These causes of complaint have now been removed to a very great extent, so that the present excess of malaria can only be accounted for by the want of clearing near some of the Stations, and the recent clearings near others, also by the necessity for "bunding" certain swamps.

5. As regards the removal of malaria, the practical difficulty is—*first*, that the work of the clearing and bunding is unhealthy to the men employed; and *secondly*, that, for the time being, it makes the immediate neighbourhood of the work of reclamation more unhealthy than ever. When convicts, whether Burmese or others, are employed on such works, certain precautions as to quinine, extra rations, spirit rations, proper hutting in healthy position within reach of their work, proper clothing, and coverings to the legs and feet, seem necessary. As to the unhealthiness caused by clearing and reclamation, the only remedy seems to be, as regards existing Stations, to carry out these operations systematically, with a view to the rapid completion of the works undertaken; and *secondly*, the exposure to the subsequent temporary aggravation of the malaria of as small bodies of men as practicable, these being selected from the most acclimatized and healthy, and being protected by special sanitary precautions.

6. The works recommended are the clearance of the jungle on rear of Haddo and Aberdeen, and the bunding of the swamps at Phœnix Bay and South Point. These appear to be the most urgent works, and the Chief Commissioner agrees that they should first be undertaken. A specific plan should be called for by the Chief Commissioner from the Executive Engineer, and all the available labor be at once assigned to the work during the present dry season. The Stations, so cleared, should be abandoned, as far as possible, during the next two or three rainy seasons.

7. The next important work seems the bunding of the swamp at Brigade Creek, and eventually the bunding of the "shallow flats" at the head of Port Blair. These measures, if carried out carefully and systematically, would apparently greatly improve (ultimately) the sanitary condition of the Settlement, and would further afford an ample acreage for the entire crop of forage, vegetables, and fruit required for the Settlement, and at least for the major part of the supply of rice.

8. The great point seems to be the inauguration of a regular system of clearing, and the application of all the available resources of labor to one work, or set of works, till it is completed, and the avoiding the exposure, to the results of the clearing, of the convicts, as far as possible, till the clearings have become healthy. The Governor General in Council requests the special and constant attention of the Chief Commissioner and the Superintendent of Port Blair to this vital point.

9. The second cause of evil is, without doubt, that many convicts sent to Port Blair are either unfit subjects for transportation at all, or arrive in a state of emaciation, which unfits them to resist the climate.

10. None but able-bodied convicts should be sent to Port Blair at present, or, at any rate, until the present adverse conditions of the Settlement, as regards causes of malaria, are removed. No convict should be sent to the Andamans who is over 45 years of age, and who is not in robust health. To this end a very close examination should be made of all prisoners at the port of embarkation, and very careful sanitary precautions should also be adopted as to embarkation, so as to ensure the health of the convicts during the voyage. The Governor General in Council commends this point to the careful attention of the Local Governments.

11. The third cause assigned is deficient diet. The present deficiency arises from two causes—

1*st*.—The scarcity of certain articles, viz., vegetables, fish, meat, milk, ghee, oil, &c.

2*nd*.—The mode of dieting the convicts.

12. As to the first point, the Governor General in Council approves of the action taken by the Chief Commissioner, as reported in paragraphs 8 to 15 of his Minute. His Excellency in Council concurs with that Officer that it reflects great discredit on the Medical Authorities of the Settlement that the deficiency of vegetable diet was not brought to the notice of the Superintendent, and he entirely approves of the system of supervision prescribed in the 9th paragraph of his Minute. The means proposed in paragraph 15 of increasing the supply of fish are also approved.

13. As to the second point, and with reference to the remarks in paragraph 15 of Colonel Fytche's Minute, the Governor General in Council entirely concurs in the necessity of introducing the messing system, in substitution of the present system of giving the prisoners a money-allowance to purchase food. There seems to be no doubt that the bulk of the convicts who have to purchase food, whether convicts on money-allowance or self-supporters, rarely get enough food, especially of animal food and anti-scorbutic food, not so much because they cannot afford it, as because they stint themselves. The only remedy appears to be to introduce the messing system which has already been introduced with the best results at Port Mount by Mr. Homfray; and this system should now be introduced among *all* classes carefully and judiciously, including Hindoos, who should be allowed Brahmin cooks. A set of diet scales adapted to the different nationalities at Port Blair should be carefully prepared on a liberal plan. As regards self-supporters, the first thing to be done is to introduce somewhat stricter discipline among them; and *secondly*, to reduce to the rank of ordinary convicts any one who seems unable or unwilling to keep himself in good case.

14. The fourth cause of evil—the employment of convicts on work of an unhealthy nature—has been sufficiently disposed of by the remarks and instructions communicated under the head of climatic influences.

15. The Governor General in Council will now proceed to notice the other proposals submitted in the Report and Minute.

16. *Question of retaining Port Mouat as a Settlement* (paragraph 16 of Minute).—The Governor General in Council concurs in the reasons assigned in this paragraph for maintaining this Settlement as a self-supporting one. The opinion of the Superintendent of Port Blair, it is observed, has already been requested on this point, and the reduction of the strength of prisoners from an entire division or 400 men to a quarter of a division is approved.

17. *Cost to the State of each Convict at Port Blair* (paragraph 17).—The cost is estimated at Rupees 30 per mensem, which is enormous. The attention of the Superintendent should be urgently directed to this point, with a view to the reduction of the cost, which appears to be easily practicable.

18. *Commissariat* (paragraph 18.)—The Commissariat arrangements of the Settlement appear very bad, and the Governor General in Council agrees with the Chief Commissioner that they call for close investigation and revision. At the same time, His Excellency in Council would wish to be informed who is responsible for the present state of affairs as described in this paragraph. The recommendations regarding the selection of a new site for the cattle and sheep sheds, the selection of a better class of animals for shipment, the arrangements to be made for all ordinary supplies of rice, and the system of indenting for stores on the Commissariat, appear to be very proper. The entire subject of this paragraph will, however, be further considered in the Military Department, and in communication with the Government of Madras, to which the Commissariat Establishment at Port Blair is directly subordinate. His Excellency in Council has been in personal communication with the Chief Commissioner and with General Macpherson, who have been desired, in communication with the Master Attendant, to decide what articles can be most efficiently and cheaply supplied from Rangoon and Calcutta, respectively, and to submit a report on the subject, as also upon the best mode and best season of transporting the annual supply of sheep to Port Blair.

19. *Clothing of Prisoners* (paragraph 19).—The arrangements proposed in this paragraph are approved.

20. *Communication with the Coast of British Burmah and other Marine arrangements* (paragraphs 20 to 22).—These proposals will be considered in the Military (Marine) Department. The Chief Commissioner's proposal for the sale of the two schooners now employed between British Burmah and Port Blair, and the purchase, in lieu, of a vessel of between 400 and 500 tons, suitable for carrying cattle and fodder, should be referred to the Master Attendant for report, and, in the meantime, it should be seen that the vessels are not allowed to lie idle in port, as stated by Colonel Fytche.

21. The proposals in paragraphs 21 and 22 appear to be proper.

22. *Circuit-house, Stone-barrack, and Burial-ground at Ross* (paragraphs 23 to 25).—These paragraphs call for no remark beyond a general approval of the Chief Commissioner's proceedings.

23. *Andaman Tokens* (paragraph 26).—The Governor General in Council would wish to have the opinion of the Superintendent of Port Blair whether the issue of these tokens may not, in future, be abolished.

24. *Self-supporters* (paragraph 27).—The Governor General in Council concurs in the opinion of the Chief Commissioner on this subject, which has already been noticed in this Resolution.

25. *Marine Stores* (paragraph 28).—The arrangements proposed by the Chief Commissioner appear to be very proper, but the subject belongs to the Military (Marine) Department, to whom a communication will be made on this point.

26. *Flogging, Price of meat, House-rent, and Convict Servants* (paragraphs 29 to 39).—The recommendations contained in these paragraphs are approved, but it does not seem necessary for the present to demand any house-rent from Officers occupying Government buildings.

27. *Military and Police* (paragraph 33).—The Governor General in Council is willing that the strength of the Free Police shall be fixed at 400, unless it be possible to adopt Major Davies's suggestion to station a second Company of Madras Native Infantry at Port Blair. The Governor General in Council thinks that this proposal should, if possible, be carried out, and the Madras Government will be addressed regarding it. If this additional Company be sent, the strength of the Police need not exceed 300.

28. The retention, or otherwise, of the Convict Police is left to the discretion of the Chief Commissioner. They appear to be few in number, and so scattered as to be in no way dangerous. The proposals for a block-house and stockaded Police posts are approved, but the palisades should be of a rough description, and, in such case, no great expense need be incurred.

29. *Superintendent's Office Establishment* (paragraph 34).—The recommendations made in this paragraph appear to be very proper. The revised Office Establishment proposed by Major Davies in the 157th paragraph of his Report, at a cost of Rupees 1,131 per mensem, is sanctioned.

30. *Forest management* (paragraph 35).—The Governor General in Council concurs that it is unadvisable to introduce a separate Department at present.

31. *Mr. Green's property* (paragraph 36).—It is understood that this question has been settled in the Department of Public Works.

32. *Erection of a School-house postponed* (paragraph 37).—Approved. The subject has been already noticed in the letter from this Department, No. 2438, dated 18th July 1867.

33. *Search for the missing crew of the "Assam Valley"* (paragraph 38).—This subject has been separately considered in the Military (Marine) Department.

34. *Water-supply on Ross* (paragraph 19 of Major Davies's Report).—The Governor General in Council commends the remarks on this subject to the careful attention of the Chief Commissioner, and desires that the water-supply may be increased by such means as that Officer may think best calculated to effect the desired object.

35. *Wharf* (paragraph 20 of Report).—The remarks in this paragraph will be considered in the Public Works Department.

36. *Viper Island and Jail* (paragraph 46 of Report).—Major Davies's remarks on the improvement of this Island, and the ventilation of the Jail which is being built on it, are commended to the careful attention of the Chief Commissioner, who will see that the recommendations are duly carried out.

37. *Rules for Port Blair* (paragraph 55 of Report).—On this subject a separate communication will be made to the Chief Commissioner.

38. *Marriage of Convicts* (paragraph 83 of Report).—As a rule, it seems desirable to encourage marriages as freely as practicable. The Governor General in Council desires that the Chief Commissioner will lay down such rules on the subject as he may consider proper.

39. *General Remarks* (paragraph 41, *et seq*).—It only remains now to notice the proposals submitted by the Chief Commissioner under this heading.

40. The Governor General in Council cannot but observe, on a review of Major Davies's Report, that the administration of Port Blair has been sadly weak and ineffective, and he shares in the hope expressed by the Chief Commissioner

that the recent inspection, and the arrangements that have been, or are about to be, made in consequence will tend to its improvement materially. And that this object may the more effectually be attained, His Excellency in Council is pleased to determine that the Settlement shall be placed permanently under the orders of the Chief Commissioner of British Burmah, that the Officers of the Settlement shall be under his control, and that he shall be responsible for its proper administration. Referring to the suggestion made in the 43rd paragraph of Colonel Fytche's Minute, regarding regular communication between Port Blair and British Burmah, His Excellency in Council will be glad to receive any definite proposal on the subject which the Chief Commissioner may wish to make.

41. As to the recommendation* of the Chief Commissioner for altering the designations of the Officers employed in the Settlement, the Governor General in Council does not consider that any useful object would thereby be gained, and he would, therefore, rather let present designations stand. But His Excellency in Council is prepared to consider favorably the recommendation for the appointment of an additional Officer to Port Blair to aid the Superintendent in the administration of the Settlement. This proposition will be duly considered on the submission, by the Chief Commissioner, of the usual Proposition Statement, with such observations as may show that the additional aid is urgently necessary.

* Paragraph 44.

42. The distribution of work proposed in paragraph 44 among the Superintendent and the other Officers of the Settlement is approved, on the understanding that all the subordinate Officers will be, as at present, under the control of the Superintendent, and bound to obey his orders, subject to appeal, if necessary, to the Chief Commissioner.

43. The system of periodical inspections, proposed in paragraph 45, is also approved.

44. Referring to the remarks made in the 47th paragraph of Colonel Fytche's Minute, the Governor General in Council entirely concurs in the necessity of relieving Dr. Gamach at Port Blair. The Madras Government will, accordingly, be requested to select some other Medical Officer without delay to take Dr. Gamach's place, and, in doing so, to take into consideration the remarks made by Colonel Fytche in this paragraph of his Minute.

45. In conclusion, the Governor General in Council desires that the thanks of the Government may be communicated to Major Davies and the other Officers named in the 48th paragraph of Colonel Fytche's Minute. Referring to the 4th paragraph of his letter No. 874, dated the 24th June 1867, the Governor General in Council will be prepared to sanction the disbursement of any extra expenses that any of these Officers may have incurred in the discharge of the special duty on which they have been employed.

ORDERED, that a copy of this Resolution be communicated to the Chief Commissioner of British Burmah for information and guidance.

Also, that copies of the Inspection Report (in three volumes), and of this Resolution, be sent to the Governments of Fort St. George, Bombay, and Bengal for a similar purpose.

And that copies of the same documents be sent to the Military, Financial, and Public Works Departments, for the issue of such orders as may be necessary in those Departments.

(True Extract.)

E. C. BAYLEY,

Secy. to the Govt. of India.

No. 8. ORDER thereon, No. 161.

IN accordance with the instructions contained in the letter above recorded, and in continuation of the Government Order, dated 16th July 1867, No. 1121, the Governor in Council directs that every convict, whose sentence of transportation it is intended to carry into effect, shall, before he is sent to the port of embarkation, be examined as to his physical condition by a Committee consisting of—

1.—The Officer in charge of the Jail.

2.—The Magistrate of the district, or, in his absence, the Covenanted Civil Officer in charge of the Station.

When the Officer in Medical charge of the Jail is not also the Superintendent, he will be added to this Committee.

2. If, on examination, the convict appears to have passed his 45th year, or is from infirmity or disease unfitted for hard labor, the Committee will submit a report to the Inspector General of Jails for the orders of Government, and such convict shall not be sent from the Jail in which he is confined until the orders of Government are received. The Committee will specify in their report whether the

infirmity or disease under which the convict is suffering is of a chronic or temporary nature.

3. If the convict is considered to be under 45 years of age, in robust health, and fit for hard labor, he will be sent for embarkation to Madras, where he will, before embarkation, be again similarly examined before a Committee consisting of—

1.—The Commissioner of Police, or other Officer in charge of the Penitentiary.
2.—The Officer in Medical charge of the Penitentiary.
3.—The Superintendent of Marine.

4. This Committee will observe the directions stated above, and will, in like manner, report to Government any case in which a convict is not considered to be in a fit condition for transportation.

(True Extract.)

R. S. ELLIS,
Chief Secy. to Govt., Fort St. George.

To the Inspector General of Jails.
" " " Medical Department.
" Magistrate of ———
" Commissioner of Police.
" Superintendent of Marine.

No.

FROM

E. C. BAYLEY, ESQUIRE,
Secy. to the Govt. of India,

To

THE CHIEF SECY. TO THE GOVT. OF
FORT ST. GEORGE.

SIR,

Fort William, the *March* 1868.

HOME DEPT. Public I AM directed to acknowledge the receipt of your letter No. 162, dated the 1st ultimo, forwarding a copy of the instructions issued by His Excellency the Governor in Council for the examination of convicts sentenced to transportation, and requesting that, instead of pronouncing definitely that no convict who is more than 45 years of age shall be sent to Port Blair, a discretion may be left to the Local Government to deal with each case on its merits.

2. In reply, I am desired to state that, according to the urgent request of the Madras Government, the Governor General in Council is willing to authorize the relaxation of the order of the 5th December last to the extent proposed, and leaves it discretionary with His Excellency the Governor in Council to send to Port Blair prisoners above 45 years of age, on the understanding that stringent precautions are taken to ensure the selection of such convicts only whose general health and constitution are likely to bear up fairly against the hardships of transmarine deportation and the climate of Port Blair.

3. As regards the course suggested in the 2nd paragraph of your letter to be adopted in the case of prisoners sentenced to transportation, but whom it may be decided, on account of their physical condition, not to despatch to Port Blair, I am to observe that a sentence of transportation does not necessarily imply deportation beyond the *sea*. Transportation includes deportation to any place within the continent of India which may have been selected for the purpose by the Governor General in Council. The orders of of the 5th December, however, relate only to transportation across seas.

4. Section 51 of the Criminal Procedure Code allows the Supreme Government to appoint any Jail in British India a place of transportation; and, if His Excellency the Governor in Council will be good enough to indicate proper Jails for the purpose, the Governor General in Council will constitute them places of transportation under the provisions of the Section above cited.

5. In restricting transportation to Port Blair to prisoners who are not above 45 years of age, and who are in robust health and fit for hard labor, the sole object of the Governor General in Council

was to secure that transportation should not be practically the sentence of a slow and wasting death. To carry out such a sentence would palpably be worse than to authorize even an illegal detention of the prisoners in the Jails in which they were originally confined.

I have the honor to be,
SIR,
Your most obedient servant,

E. C. BAYLEY,
Secy. to the Govt. of India.

No.

COPY of this letter, and of the one to which it is a reply, with a copy of the instructions referred to, forwarded to the
with reference to communication from this Department, dated the 5th December last, and with the remark that the relaxation now permitted is a general one, and not confined to the Madras Presidency.

Secy. to the Govt. of India.

From R. S. Ellis, Esquire, C. B., Chief Secretary to the Government of Fort St. George, to E. C. Bayley, Esquire, Secretary to the Government of India,—No. 162, dated the 1st February 1868.

Dated 1st February 1868, No. 161.

I am directed to acknowledge the receipt of Mr. Secretary Bayley's letter dated 5th December 1867, and in reply to forward the Proceedings of Government, containing the instructions issued for the examination of convicts sentenced to transportation, both at the Jails at which they are confined, and again prior to embarkation.

2. I am to observe that the Governor in Council is of opinion that, whenever it may be decided that a convict is, by advanced age, serious chronic infirmity, or active disease, unfitted for hard labor, and, therefore, according to the view taken by the Government of India, not a fit subject for transportation, it will be necessary to legalize the suspension of the sentence of transportation by applying the provisions of Section 54, Code of Criminal Procedure, or those of Section 55 of the Indian Penal Code, as the case may be.

3. The Governor in Council is also of opinion that it is not desirable to pronounce definitely that no criminal who is more than 45 years of age shall be transported. The knowledge of this very considerable alteration of the law would, it is feared, have an evil effect on the criminal classes of the country, by removing the check which the fear of transportation advantageously exercises in the repression of crime of a heinous nature. It will, it is submitted, be better that the Local Government should deal with each case on its merits, keeping in view the object contemplated by the Government of India—the reduction of the mortality among convicts at the Settlement of Port Blair.

4. I am desired to solicit the instructions of the Government of India upon these questions.

Proceedings of the Madras Government, Judicial Department, dated the 1st February 1868.

No. 7. Read the following letter :—

From E. C. Bayley, Esquire, Secretary to the Government of India, to the Secretary to the Government of Fort St. George,—No. 80-913, dated the 5th December 1867.

In his Report on the health of the convicts at Port Blair for July, the Senior Medical Officer of that Settlement has commented strongly upon the excessive mortality among certain gangs of convicts stationed on Viper Island, consisting of the old, blind, lepers, and cripples, unfit for work. Amongst these men the mortality reached as high as 5·7 per cent. during that month.

2. There can be no doubt that Natives of India, if they are, on arrival at Port Blair, either old, sick, or infirm, succumb almost infallibly, and within a very short time, to the climate of that Settlement. Moreover, only healthy and able-bodied convicts, fit to work, are required at Port Blair, where the expense of maintaining prisoners is far in excess of the cost in the most expensive Jails on the mainland of India.

3. His Excellency in Council, therefore, feels it incumbent on him to urge on His Excellency the Governor in Council to issue immediate and stringent instructions to the proper Authorities to stop the transmission of such invalids to Port Blair, and to request that every convict, before he is selected for transportation at the Prison in which he is confined, and also before embarkation, may undergo close examination, and that none be sent who are above 45 years of age, and who are not in robust health and fit for hard labor, and that the arrangements for their conveyance may be such as shall, as far as possible, prevent any deterioration of their health during the voyage.

4. I am to request His Excellency the Governor in Council will charge some competent Officer with the responsibility of seeing that these instructions are in future strictly obeyed.

Extract from the Proceedings of the Government of India, in the Home Department (Public),—No. 79-882, under date the 2nd December 1867.

Read a letter from the Chief Commissioner of British Burmah, No. 871, dated the 24th June 1867, submitting a Report by Major H. Nelson Davies on his

inspection of the Penal Settlement of Port Blair, together with a Minute thereon by Colonel Fytche, and other documents relating to the subject.

RESOLUTION.—It will be convenient, in remarking on the several subjects mentioned in Major Davies's Report, to follow, as far as possible, the arrangement adopted in the Minute of Colonel Fytche, and to communicate the orders of Government on each subject in the order therein noticed.

2. *1st.—As to the health of the convicts in the Settlement.*

The death-rate in 1866 reached 10¼ per cent., or four cent. more than that of the previous year. Several causes are assigned for this increase of mortality, the chief of which are—

1.—Climatic influences.
2.—The importation of unhealthy convicts, or men unfit, by age, &c., for transportation.
3.—Defective diet.
4.—Work of an unhealthy nature.

3. As to the first of these causes, it seems beyond doubt that the unhealthy condition in which the body of the convicts now are is directly ascribable to the results of malaria.* At the same time Dr. Gamach quotes, with concurrence, Dr. Morton's statement—"That the climate is *not* inimical to either Europeans or Natives of India, *who arrive here in a tolerably healthy state, who partake of nutritive and wholesome food, and are exempt of jungle work.*" The remarkably healthy state of the European Detachment (the Naval Brigade, while in existence, was equally healthy,) of the Madras Sappers, and of the Madras convicts whom Mr. Homfray has messed at Port Monat,† go to show that the conclusion is true.

* See Dr. Gamach's Report on the sanitary condition of the Settlement for 1866, and Report of the Sanitary Commission appointed by Major Davies, in Appendix, Vol. I., pp. 1-22.

† Chief Commissioner's letter forwarding July's Report, page 1, paragraph 4.

4. In 1864 much of the unhealthiness was ascribed to want of proper accommodation and over-crowding. These causes of complaint have now been removed to a very great extent, so that the present excess of malaria can only be accounted for by the want of clearing near some of the Stations, and the recent clearings near others, also by the necessity for "bunding" certain swamps.

5. As regards the removal of malaria, the practical difficulty is—*first*, that the work of the clearing and bunding is unhealthy to the men employed; and *secondly*, that, for the time being, it makes the immediate neighbourhood of the work of reclamation more unhealthy than ever. When convicts, whether Burmese or others, are employed on such works, certain precautions as to quinine, extra rations, spirit rations, proper hutting in healthy position within reach of their work, proper clothing, and coverings to the legs and feet, seem necessary. As to the unhealthiness caused by clearing and reclamation, the only remedy seems to be, as regards existing Stations, to carry out these operations systematically, with a view to the rapid completion of the works undertaken; and *secondly*, the exposure to the subsequent temporary aggravation of the malaria of as small bodies of men as practicable, these being selected from the most acclimatized and healthy, and being protected by special sanitary precautions.

6. The works recommended are the clearance of the jungle on rear of Haddo and Aberdeen, and the bunding of the swamps at Phœnix Bay and South Point. These appear to be the most urgent works, and the Chief Commissioner agrees that they should first be undertaken. A specific plan should be called for by the Chief Commissioner from the Executive Engineer, and all the available labor be at once assigned to the work during the present dry season. The Stations, so cleared, should be abandoned, as far as possible, during the next two or three rainy seasons.

7. The next important work seems the bunding of the swamp at Brigade Creek, and eventually the bunding of the "shallow flats" at the head of Port Blair. These measures, if carried out carefully and systematically, would apparently greatly improve (ultimately) the sanitary condition of the Settlement, and would further afford an ample acreage for the entire crop of forage, vegetables, and fruit required for the Settlement, and at least for the major part of the supply of rice.

8. The great point seems to be the inauguration of a regular system of clearing, and the application of all the available resources of labor to one work, or set of works, till it is completed, and the avoiding the exposure, to the results of the clearing, of the convicts, as far as possible, till the clearings have become healthy. The Governor General in Council requests the special and constant attention of the Chief Commissioner and the Superintendent of Port Blair to this vital point.

9. The second cause of evil is, without doubt, that many convicts sent to Port Blair are either unfit subjects for transportation at all, or arrive in a state of emaciation, which unfits them to resist the climate.

10. None but able-bodied convicts should be sent to Port Blair at present, or, at any rate, until the present adverse conditions of the Settlement, as regards causes of malaria, are removed. No convict should be sent to the Andamans who is over 45 years of age, and who is not in robust health. To this end a very close examination should be made of all prisoners at the port of embarkation, and very careful sanitary precautions should also be adopted as to embarkation, so as to ensure the health of the convicts during the voyage. The Governor General in Council commends this point to the careful attention of the Local Governments.

11. The third cause assigned is deficient diet. The present deficiency arises from two causes—

1*st*.—The scarcity of certain articles, viz., vegetables, fish, meat, milk, ghee, oil, &c.

2*nd*.—The mode of dieting the convicts.

12. As to the first point, the Governor General in Council approves of the action taken by the Chief Commissioner, as reported in paragraphs 8 to 15 of his Minute. His Excellency in Council concurs with that Officer that it reflects great discredit on the Medical Authorities of the Settlement that the deficiency of vegetable diet was not brought to the notice of the Superintendent, and he entirely approves of the system of supervision prescribed in the 9th paragraph of his Minute. The means proposed in paragraph 15 of increasing the supply of fish are also approved.

13. As to the second point, and with reference to the remarks in paragraph 15 of Colonel Fytche's Minute, the Governor General in Council entirely concurs in the necessity of introducing the messing system, in substitution of the present system of giving the prisoners a money-allowance to purchase food. There seems to be no doubt that the bulk of the convicts who have to purchase food, whether convicts on money-allowance or self-supporters, rarely get enough food, especially of animal food and anti-scorbutic food, not so much because they cannot afford it, as because they stint themselves. The only remedy appears to be to introduce the messing system which has already been introduced with the best results at Port Mouat by Mr. Homfray; and this system should now be introduced among *all* classes carefully and judiciously, including Hindoos, who should be allowed Brahmin cooks. A set of diet scales adapted to the different nationalities at Port Blair should be carefully prepared on a liberal plan. As regards self-supporters, the first thing to be done is to introduce somewhat stricter discipline among them; and *secondly*, to reduce to the rank of ordinary convicts any one who seems unable or unwilling to keep himself in good case.

14. The fourth cause of evil—the employment of convicts on work of an unhealthy nature—has been sufficiently disposed of by the remarks and instructions communicated under the head of climatic influences.

15. The Governor General in Council will now proceed to notice the other proposals submitted in the Report and Minute.

16. *Question of retaining Port Mouat as a Settlement* (paragraph 16 of Minute).—The Governor General in Council concurs in the reasons assigned in this paragraph for maintaining this Settlement as a self-supporting one. The opinion of the Superintendent of Port Blair, it is observed, has already been requested on this point, and the reduction of the strength of prisoners from an entire division or 400 men to a quarter of a division is approved.

17. *Cost to the State of each Convict at Port Blair* (paragraph 17).—The cost is estimated at Rupees 30 per mensem, which is enormous. The attention of the Superintendent should be urgently directed to this point, with a view to the reduction of the cost, which appears to be easily practicable.

18. *Commissariat* (paragraph 18.)—The Commissariat arrangements of the Settlement appear very bad, and the Governor General in Council agrees with the Chief Commissioner that they call for close investigation and revision. At the same time, His Excellency in Council would wish to be informed who is responsible for the present state of affairs as described in this paragraph. The recommendations regarding the selection of a new site for the cattle and sheep sheds, the selection of a better class of animals for shipment, the arrangements to be made for all ordinary supplies of rice, and the system of indenting for stores on the Commissariat, appear to be very proper. The entire subject of this paragraph will, however, be further considered in the Military Department, and in communication with the Government of Madras, to which the Commissariat Establishment at Port Blair is directly subordinate. His Excellency in Council has been in personal communication with the Chief Commissioner and with General Macpherson, who have been desired, in communication with the Master Attendant, to decide what articles can be most efficiently and cheaply supplied from Rangoon and Calcutta, respectively, and to submit a report on the subject, as also upon the best mode and best season of transporting the annual supply of sheep to Port Blair.

19. *Clothing of Prisoners* (paragraph 19).—The arrangements proposed in this paragraph are approved.

20. *Communication with the Coast of British Burmah and other Marine arrangements* (paragraphs 20 to 22).—These proposals will be considered in the Military (Marine) Department. The Chief Commissioner's proposal for the sale of the two schooners now employed between British Burmah and Port Blair, and the purchase, in lieu, of a vessel of between 400 and 500 tons, suitable for carrying cattle and fodder, should be referred to the Master Attendant for report, and, in the meantime, it should be seen that the vessels are not allowed to lie idle in port, as stated by Colonel Fytche.

21. The proposals in paragraphs 21 and 22 appear to be proper.

22. *Circuit-house, Stone-barrack, and Burial-ground at Ross* (paragraphs 23 to 25).—These paragraphs call for no remark beyond a general approval of the Chief Commissioner's proceedings.

23. *Andaman Tokens* (paragraph 26).—The Governor General in Council would wish to have the opinion of the Superintendent of Port Blair whether the issue of these tokens may not, in future, be abolished.

24. *Self-supporters* (paragraph 27).—The Governor General in Council concurs in the opinion of the Chief Commissioner on this subject, which has already been noticed in this Resolution.

25. *Marine Stores* (paragraph 28).—The arrangements proposed by the Chief Commissioner appear to be very proper, but the subject belongs to the Military (Marine) Department, to whom a communication will be made on this point.

26. *Flogging, Price of meat, House-rent, and Convict Servants* (paragraphs 29 to 39).—The recommendations contained in these paragraphs are approved, but it does not seem necessary for the present to demand any house-rent from Officers occupying Government buildings.

27. *Military and Police* (paragraph 33).—The Governor General in Council is willing that the strength of the Free Police shall be fixed at 400, unless it be possible to adopt Major Davies's suggestion to station a second Company of Madras Native Infantry at Port Blair. The Governor General in Council thinks that this proposal should, if possible, be carried out, and the Madras Government will be addressed regarding it. If this additional Company be sent, the strength of the Police need not exceed 300.

28. The retention, or otherwise, of the Convict Police is left to the discretion of the Chief Commissioner. They appear to be few in number, and so scattered as to be in no way dangerous. The proposals for a block-house and stockaded Police posts are approved, but the palisades should be of a rough description, and, in such case, no great expense need be incurred.

29. *Superintendent's Office Establishment* (paragraph 34).—The recommendations made in this paragraph appear to be very proper. The revised Office Establishment proposed by Major Davies in the 157th paragraph of his Report, at a cost of Rupees 1,131 per mensem, is sanctioned.

30. *Forest management* (paragraph 35).—The Governor General in Council concurs that it is unadvisable to introduce a separate Department at present.

31. *Mr. Green's property* (paragraph 36).—It is understood that this question has been settled in the Department of Public Works.

32. *Erection of a School-house postponed* (paragraph 37).—Approved. The subject has been already noticed in the letter from this Department, No. 2438, dated 18th July 1867.

33. *Search for the missing crew of the "Assam Valley"* (paragraph 38).—This subject has been separately considered in the Military (Marine) Department.

34. *Water-supply on Ross* (paragraph 19 of Major Davies's Report).—The Governor General in Council commends the remarks on this subject to the careful attention of the Chief Commissioner, and desires that the water-supply may be increased by such means as that Officer may think best calculated to effect the desired object.

35. *Wharf* (paragraph 20 of Report).—The remarks in this paragraph will be considered in the Public Works Department.

36. *Viper Island and Jail* (paragraph 46 of Report).—Major Davies's remarks on the improvement of this Island, and the ventilation of the Jail which is being built on it, are commended to the careful attention of the Chief Commissioner, who will see that the recommendations are duly carried out.

37. *Rules for Port Blair* (paragraph 55 of Report).—On this subject a separate communication will be made to the Chief Commissioner.

38. *Marriage of Convicts* (paragraph 83 of Report).—As a rule, it seems desirable to encourage marriages as freely as practicable. The Governor General in Council desires that the Chief Commissioner will lay down such rules on the subject as he may consider proper.

39. *General Remarks* (paragraph 41, *et seq*).—It only remains now to notice the proposals submitted by the Chief Commissioner under this heading.

40. The Governor General in Council cannot but observe, on a review of Major Davies's Report, that the administration of Port Blair has been sadly weak and ineffective, and he shares in the hope expressed by the Chief Commissioner

that the recent inspection, and the arrangements that have been, or are about to be, made in consequence will tend to its improvement materially. And that this object may the more effectually be attained, His Excellency in Council is pleased to determine that the Settlement shall be placed permanently under the orders of the Chief Commissioner of British Burmah, that the Officers of the Settlement shall be under his control, and that he shall be responsible for its proper administration. Referring to the suggestion made in the 43rd paragraph of Colonel Fytche's Minute, regarding regular communication between Port Blair and British Burmah, His Excellency in Council will be glad to receive any definite proposal on the subject which the Chief Commissioner may wish to make.

41. As to the recommendation* of the Chief Commissioner for altering the designations of the Officers employed in the Settlement, the Governor General in Council does not consider that any useful object would thereby be gained, and he would, therefore, rather let present designations stand. But His Excellency in Council is prepared to consider favorably the recommendation for the appointment of an additional Officer to Port Blair to aid the Superintendent in the administration of the Settlement. This proposition will be duly considered on the submission, by the Chief Commissioner, of the usual Proposition Statement, with such observations as may show that the additional aid is urgently necessary.

* Paragraph 41.

42. The distribution of work proposed in paragraph 44 among the Superintendent and the other Officers of the Settlement is approved, on the understanding that all the subordinate Officers will be, as at present, under the control of the Superintendent, and bound to obey his orders, subject to appeal, if necessary, to the Chief Commissioner.

43. The system of periodical inspections, proposed in paragraph 15, is also approved.

44. Referring to the remarks made in the 47th paragraph of Colonel Fytche's Minute, the Governor General in Council entirely concurs in the necessity of relieving Dr. Gamach at Port Blair. The Madras Government will, accordingly, be requested to select some other Medical Officer without delay to take Dr. Gamach's place, and, in doing so, to take into consideration the remarks made by Colonel Fytche in this paragraph of his Minute.

45. In conclusion, the Governor General in Council desires that the thanks of the Government may be communicated to Major Davies and the other Officers named in the 48th paragraph of Colonel Fytche's Minute. Referring to the 4th paragraph of his letter No. 874, dated the 21th June 1867, the Governor General in Council will be prepared to sanction the disbursement of any extra expenses that any of these Officers may have incurred in the discharge of the special duty on which they have been employed.

Ordered, that a copy of this Resolution be communicated to the Chief Commissioner of British Burmah for information and guidance.

Also, that copies of the Inspection Report (in three volumes), and of this Resolution, be sent to the Governments of Fort St. George, Bombay, and Bengal for a similar purpose.

And that copies of the same documents be sent to the Military, Financial, and Public Works Departments, for the issue of such orders as may be necessary in those Departments.

(True Extract.)

E. C. BAYLEY,

Secy. to the Govt. of India.

No. 8. Order thereon, No. 161.

In accordance with the instructions contained in the letter above recorded, and in continuation of the Government Order dated 16th July 1867, No. 1121, the Governor in Council directs that every convict, whose sentence of transportation it is intended to carry into effect, shall, before he is sent to the port of embarkation, be examined as to his physical condition by a Committee consisting of—

1.—The Officer in charge of the Jail.

2.—The Magistrate of the district, or, in his absence, the Covenanted Civil Officer in charge of the Station.

When the Officer in Medical charge of the Jail is not also the Superintendent, he will be added to this Committee.

2. If, on examination, the convict appears to have passed his 15th year, or is from infirmity or disease unfitted for hard labor, the Committee will submit a report to the Inspector General of Jails for the orders of Government, and such convict shall not be sent from the Jail in which he is confined until the orders of Government are received. The Committee will specify in their report whether the

infirmity or disease under which the convict is suffering is of a chronic or temporary nature.

3. If the convict is considered to be under 45 years of age, in robust health, and fit for hard labor, he will be sent for embarkation to Madras, where he will, before embarkation, be again similarly examined before a Committee consisting of—

1.—The Commissioner of Police, or other Officer in charge of the Penitentiary.

2.—The Officer in Medical charge of the Penitentiary.

3.—The Superintendent of Marine.

4. This Committee will observe the directions stated above, and will, in like manner, report to Government any case in which a convict is not considered to be in a fit condition for transportation.

(True Extract.)

R. S. ELLIS,
Chief Secy. to Govt., Fort St. George.

To the Inspector General of Jails.
" " " Medical Department.
" Magistrate of ————
" Commissioner of Police.
" Superintendent of Marine.

187[illegible].

From

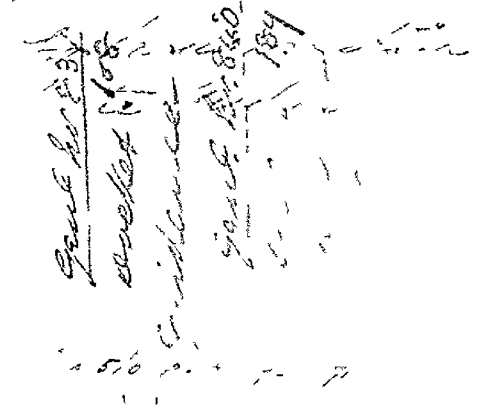
Dated

Received

Registered

No.

Subject.



DEPARTMENT.

BRANCH.

Draft Letter / Memorandum / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. Dated

To

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S. 5.
M.1[illegible]—$1—158(Gen)MFP—(M.1938)—3.5.34—50,000 Pads

No. 330.

FROM

W. H. VERNER, ESQ.,

Offg. Under Secy. to the Govt. of India,

To

The Chief Commissioner of Coorg.

Home Dept.
Judicial.

FORT WILLIAM, *the* 9 *March* 1871.

SIR,

OWING to the scanty Jail accommodation in the Bombay Presidency, and reckless behaviour of convicts awaiting transportation to Port Blair, the Local Government has considered it neither desirable nor safe to allow them to be long detained together in the District Jail at Tanna, which is now used as a depôt, previous to their embarkation. As a preventive measure, the Bombay Government has proposed to deport such convicts twice a year, and has fixed upon the last week of March and the first week of November as the periods for their despatch. I am accordingly to request that orders may be issued to the effect that in future convicts transferred from Coorg to Bombay for transportation to the Andamans should be forwarded so as to reach Tanna not earlier than the last week of February and the first week of October, a memorandum, stating the number who are to be forwarded, being sent to the Inspector General of Prisons, Bombay, a month previous to the despatch of the convicts.

I have the honor to be,

SIR,

Your most obedient Servant,

W. H. Verner

Offg. Under Secy. to the Govt. of India.

13371 – Copies
to Govt. Iowa
& Supt. of
Coast Survey

COORG DEPT. 187 . No. 1383

From

Dated.
Received.
Registered.

No.

No. 36

FROM

T. J. CHICHELE PLOWDEN, ESQ.,
Offg. Under Secretary to the Govt. of India.

To

THE SUPERINTENDENT OF PORT BLAIR,
AND THE NICOBARS.

Home Dept.
Port Blair.

FORT WILLIAM, *the 28th March* 1873.

SIR,

I AM directed to forward the accompanying papers* relative to a representation made by the Chief Commissioner of British Burmah regarding two time-expired convicts from the Andamans, who were sent to Rangoon instead of to the places where they were convicted.

*From the Chief Commissioner of British Burmah, No. 69-70, dated 21st January 1873.
Endorsement to Government of Bengal, No. 405, dated 21st February 1873.
Endorsement from Government of Bengal, No. 921, dated the 6th March 1873.

2. The Governor General in Council is of opinion that this practice may lead to much inconvenience, and he desires that, as a rule, a time-expired convict should always be sent back to the place where he was convicted. Any prisoner wishing to go elsewhere should make known his request, and state his reasons for it, to the Superintendent of the Settlement in sufficient time to permit the necessary enquiries being made before his release.

3. These enquiries should ascertain—

I.—If necessary, the truth of the facts alleged by convict as reasons for wishing to be sent elsewhere.

II.—The willingness of the local Government of the place to which he wishes to go to receive him.

III.—Whether the local Government of the place where he was convicted do not wish him to return. it being quite possible that he may be required there for the purposes of justice.

4. As the authorities at the place where the convict wishes to be sent will ordinarily object, his case should be fully explained to them in all its bearings; in short, no time-expired convict should, without good reason, be sent to any place other than that where he was convicted, except with the consent of both the local Governments concerned. It will save time to find out where the convict wants to be sent, as soon as his imprisonment is near its end, so that the necessary enquiries may be made before his release.

5. I am to take this opportunity of sending, for your information, a copy of a circular issued by this Department on the 16th January last respecting the treatment of European prisoners after their release. These instructions only apply to Europeans; but

the orders communicated to you in this letter will apply to Europeans, Eurasians, and Natives, though the two latter classes should only in very special cases, be sent elsewhere than to the place or province where they were sentenced.

I have the honor to be,

SIR,

Your most obedient Servant,

T. J. CHICHELE PLOWDEN,

Offg. Under Secretary to the Govt. of India.

No. 45.

COPY forwarded to the Secy. to Commissioners of Police for information and guidance.

Offg. Under Secretary to the Govt. of India.

Exd.—T. N. G.

To Secretary

Sept 11th 1873. No 52

SNL

From The Right Hon. the Secretary of State for India

To

Dated 31st October

Despatched

Received 8th Nov. 1873.

Enclosures No.

General No. 37
No. 1808

Brings to notice that no
Medals have been received
by Lord Northbrook from Govt
to distribute to officers serving
in the Abyssinian Campaign
and requesting that proceedings
may be taken to obtain
Medals for those entitled
to receive them.

Published in Gazette and
Circulated to Troops. to Office
for Record

No. 34 1808

FROM

T. J. CHICHELE PLOWDEN, ESQ.,
Offg. Under Secretary to the Government of India,

To

The Chief Commissioner of Coorg.

Home Dept.
Judicial.

SIMLA, *the* 27 *October* 1873.

SIR,

A CASE has been recently brought to the notice of the Government of India in which a deserter from a European regiment sentenced to imprisonment for uttering a forged document was discharged from jail without notice being given to the military authorities. And with the view of preventing similar occurrences, I am desired to request that you will be good enough to issue the necessary orders for ensuring the strict observance in future of the procedure prescribed in Section 33 of the Mutiny Act. Instructions should also be issued to the proper authorities that, whenever a soldier is committed to jail whether for trial or under sentence, his military rank shall be stated in the warrant.

I have the honor to be,

SIR,

Your most obedient Servant,

C. J. Macaulay

Offg. Under Secretary to the Govt. of India.

Correspondence

No 56

1873

From

To

Dated 27th March 73

Despatched

Received 28 March

Enclosures No.

General No. 9

No. 304

No. 3
394

FROM

T. J. CHICHELE PLOWDEN, ESQ.,
Offg. Under Secretary to the Govt. of India.

To

The Chief Commissioner of Coorg.

Home Dept.
Port Blair.

FORT WILLIAM, *the 22 November* 1873.

SIR,

A CASE has recently been brought to the notice of the Government of India in which certain life convicts who had escaped from Port Blair were re-captured in India, and sentenced to local imprisonment for a term of years under Section 226 of the Penal Code. The imprisonment in his own district or province of a convict under sentence of transportation for life must operate rather as a mitigation than an enhancement of the original punishment; and, as a matter of discipline, it is essential that his re-capture and punishment may be known to other convicts. I am, therefore, directed by His Excellency the Governor General in Council to request that, unless upon see ~~~~~~~~~~ any legal impediment or executive difficulty, all escaped convicts from the Penal Settlements when re-captured on the main land may be at once sent back to their Penal Settlement to be dealt with there according to rule, instead of being committed to any Indian Court for trial.

I have the honor to be,

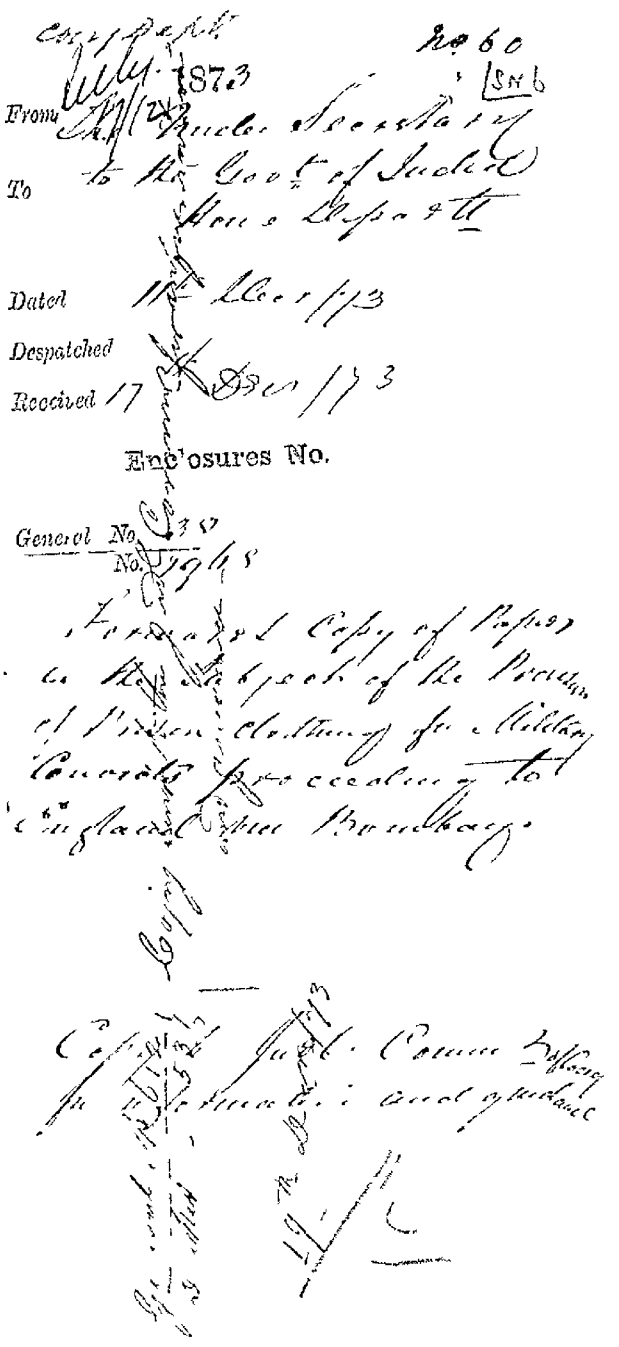
SIR,

Your most obedient Servant,

T J Plowden

Offg. Under Secretary to the Govt. of India.

Exd.—D. N. M.



No. 38 / 1968

From

A. P. HOWELL, Esq.,

Under Secretary to the Govt. of India.

To

The Chief Commissioner of Coorg.

Home Dept.

Judicial.

FORT WILLIAM, *the 11 December* 1873.

SIR,

From the Military Department, No. 615, dated 15th November 1873, and enclosures.

I AM directed to forward a copy of the papers marginally noted, on the subject of the provision of prison clothing for military convicts proceeding to England *viâ* Bombay, and to request that the necessary orders may be issued to Superintendents of Jails to provide such convicts, prior to their despatch to the port of embarkation, with an outfit on the scale suggested by the Controller of Military Accounts in his letter No. 5749, dated the 22nd August last.

I have the honor to be,

SIR,

Your most obedient Servant,

Under Secretary to the Govt. of India.

Exd.—C. A. S.

No.

FROM

A. P. HOWELL, ESQ.,
Under Secretary to the Govt. of India.

To

Home Dept.
Judicial.

FORT WILLIAM, *the* *December* 1873.

SIR,

I AM directed to forward a copy of the papers marginally noted, on the subject of the provision of prison clothing for military convicts proceeding to England *viâ* Bombay, and to request that the necessary orders may be issued to Superintendents of Jails to provide such convicts, prior to their despatch to the port of embarkation, with an outfit on the scale suggested by the Controller of Military Accounts in his letter No. 5749, dated the 22nd August last.

From the Military Department, No. 645, dated 18th November 1873, and enclosures.

I have the honor to be,

SIR,

Your most obedient Servant,

Under Secretary to the Govt. of India.

Exd.—C. A. S.

No.

FROM

A. P. HOWELL, ESQ.,
Under Secretary to the Govt. of India.

To

Home Dept.
Judicial.

FORT WILLIAM, *the* *December* 1873.

SIR,

From the Military Department, No. 645, dated 18th November 1873, and enclosures.

I AM directed to forward a copy of the papers marginally noted, on the subject of the provision of prison clothing for military convicts proceeding to England *viâ* Bombay, and to request that the necessary orders may be issued to Superintendents of Jails to provide such convicts, prior to their despatch to the port of embarkation, with an outfit on the scale suggested by the Controller of Military Accounts in his letter No. 5749, dated the 22nd August last.

I have the honor to be,

SIR,

Your most obedient Servant,

Under Secretary to the Govt. of India.

Exd.—C. A. S.

No. 2/159

FROM

A. C. LYALL,
Secretary to the Govt. of India.

To

The Chief Commissioner of Coorg.

Home Dept.
Port Blair.

FORT WILLIAM, the 18th May 1874.

SIR,

THE circular from this Department No. 3—297 of the 22nd November 1873 directed that all convicts escaped from the Andamans should be at once sent back to Port Blair, to be dealt with there according to rule, instead of being committed to any Indian court for trial. But it has been represented that there are some legal impediments to this course; for, as the law now stands, a Magistrate cannot direct the transfer to the Andamans of a re-captured convict, but is compelled to commit him for trial, the place of such trial ordinarily being the court within whose jurisdiction the convict is re-captured.

2. The Government of India, however, have been advised that the difficulty might be surmounted in the case of life-convicts charged under Section 224, Penal Code, by desiring the Magistrate at Port Blair having jurisdiction to issue a warrant under that section immediately after the fact of escape is known. The Magistrate on the mainland before whom the convict should have been taken by the police would be able on the authority of this warrant to transfer him to the Penal Settlement. Therefore, whenever any person is charged before a Magistrate with having escaped from the Penal Settlements, it will be the duty of the police to obtain an adjournment of the enquiry so as to admit of their ascertaining whether a warrant has been issued by the Port Blair authorities. If no warrant has been issued, the enquiry will be concluded and the prisoner will be tried on the mainland. If a warrant has been issued, he can be transferred to the Port Blair authorities in accordance with the provisions of Section 170, Code of Criminal Procedure.

3. In the case of life-convicts this is the only procedure by which they can be subjected to substantial additional punishment for the offence of escaping, since it may be assumed that imprisonment for a short term on the mainland near their homes is rather a mitigation than an enhancement of their original sentence. But in the case of term-convicts it appears to the Governor General in Council that their trial and conviction on the continent of India, under Section 226 of the Penal Code, would really bring additional punishment upon them, for they must be transported for life and are also liable to rigorous imprisonment before being sent back to Port Blair. There is consequently no such urgent reason why such convicts should not be left to be dealt with by the authorities in the place of their re-capture under Section 226, though it may be preferable for the maintenance of discipline that term-convicts also shall be sent back at once to the Andamans, to be tried there under Section 224, whenever their warrants shall have been received.

4. Under these circumstances His Excellency in Council is pleased to direct that, in modification of the circular of the 22nd November, the following procedure be observed upon the re-capture of a convict, if the Local Governments see no impediment. The police who have arrested a person upon the charge of having escaped will apply to the Magistrate before whom the accused has been brought for an adjournment to enable them to ascertain whether a warrant has been received from Port Blair for his re-capture. Enquiry should be made at the Home Department of the Government of India, if no warrant has been received by the police of the province in which the convict has been arrested. And in all cases of escape by a life-convict the Superintendent of Port Blair or other Magistrate having jurisdiction, as soon as the fact of escape is known, should issue a warrant charging him with having committed an offence under Section 224, Penal Code, to the chief of the police of the province or administration in which the convict is known or is likely to be found, and should also forward a warrant forthwith to this Department. If the warrant is forthcoming, the Magistrate by whom the case is being enquired into will decide whether there is any reason why the accused should not be removed in custody, under Section 170, Criminal Procedure Code, to the Magistrate at the Andamans who issued the warrant.

I have the honour to be,

SIR,

Your most obedient Servant,

A C Lyall

Secretary to the Govt. of India.

Exd.—C. A. S.

COORG DEPT. | 1874 | No. 34

From The Secretary to the Government of India Home Department

Dated. 10th May 1874

Received. 18 Abgust.

Registered. 17th

No. 2/159

Subject.

With reference to Circular
3/297 dy 22nd Novr last, His Excell
the Viceroy and G. G. in Counc
directs that in modificatio
of the said Circular, the proce
within mentioned should
observed on the recapture
Convicts escaped from the
Andamans.

[illegible] Comrs order
the above mine Letter Aug
Dy 4
" Copy to Judicial
" Comrs - and note f
" attention the Head Cl
Offs.
11.8.74

To be substituted for th
of Paras numbered and
previously received

1878

COORG DEPT 187/. No. 21

From The Chief Secretary
to the Government of
Fort St George.

Dated. 3 Jan
Received.
Registered.

No. 3/9

Subject.

Solicits the Govt Concurrence
proposed alteration in wearing
dress of Jail Establishment of
Coorg and Removal thereof from
Jail [illegible]

Journal No 270
Dt 15

Comp. Jhe Assay Office.
Bangalore 30th June 1874

To
The Chief Secretary to Govt.
Fort St. George

Sir,

I have the honor to report for the information of Government that the Duties paid at Mercara on [illegible] were remitted to me direct by the Chief Commr. to collect that at this Office, the Right Crown to the Government will be realized to a/c on 30 Convicts being sent to the Jail to manufacture; the Cost of them subsistence and Cloathing would be duly credited by the Chief Commr. to a/c of Coorg on Monthly Bills thereafter being furnished to him.

2 In the application of Customs to Coorg Govt. no alteration is considered necessary in the Tariff.

I have &c.

[illegible]

Coorg

No. 1222
1875

819

Coorg Judicial Commissioner's Office
Bangalore 1st February 1875

From

J. D. Gordon Esqre C.S.I.
Judicial Commissioner
of Coorg

To,

The Secretary to the
Chief Commissioner
of Coorg

Sir,

I have the honor to forward for the Chief Commissioner's orders a copy of the letter noted in the margin. It will be observed that owing to the urgency of the case, I have made application direct to the Superintendent of Coorg to transfer the Prisoner Divesta to the Central Jail at Cannanore. I request that the Madras Government may be moved by telegram to sanction the reception of this Prisoner into that Prison.

I have the honor to be

Sir

Your most obedient servant

J. D. Gordon

Judicial Commissioner

No. 296 dated 29th January 1875 from the Superintendent of Coorg
to Judicial Commissioner & to Superintendent
of Coorg dated 1st February 1875

No.

I believe the Convict alluded to is Calcutta.
Clerk
14/7/75

with reference thereto any information can be given in the Office of the Inspector of Prisons Dr Cole
14/7

187 4 : 76

From The Sub Commissioner
of Goa

To

Secretary to Chief Commissioner,
General Department.

Dated 13th July 1875.
Despatched/
Received 14th July 1875.

ENCLOSURES NO. 2

General No. 2222
No. 275 } 187 4/5

Forwarded for the
Commissioners orders upon
Indian letter and states in
answer to the enquiry of
the Sub Commissioner how
Despatches relative to the
Sept appear to have
Dr Cole to the Govt
but no Convict

Received this day.
Understand that Mr Go
promptly delivered.
to Mr Wellesley. Sec
Org's attention is dra
to para 5 of letter fr
Inspector General of
No 68 of 16th April 187
which he refers to the
Indian Convict sent to
Penal, and when I under
Govt sent back to Calcu

1874-75

1875

From

The Superintendent of

Coorg

To

The Judicial Commissioner

of Coorg

Dated Coorg 29th January 1875

Received 1st February 1875.

Cons. Pp. 296

Pp. 197

Sir

I have the honor to enclose copy of a letter dated 25th January 1875. No. 17 from the Superintendent of the Jail besieging to notice that Subadar convict L. No. 1 Cossa is in a bad state of health, and that he will probably not be removed to the Court, and to report that an application for the transfer of the said Indian prisoner was made to the Inspector General of Jails, Recommend, but no reply has been yet received.

Instructions are solicited by Tele-gram.

I have &c

(Signed) C Lindsay

for Superintendent

I believe the Convict alluded to is Dacosta.
14/7/75

Ask Sec[retary] Chelsea any information can be given on Tues[day] Sept[ember] as to Disease of the Prisoner D'Costa
14/9

1874 : 76

From The Lieut[enant] Governor's Office

To

Secretary to Chief Commissioner, General Department.

Dated 13th July 1875.
Despatched
Received 14th July 1875.

ENCLOSURES NO. 2

General No. 2222 / No. 275 } 1874/5

Forwarded for the Commissioners perusal Certain letters and Slates in connexion with the inquiry of the Coroner's Commissioners held in connexion with the Death of Convicts Dacosta & Bail at Cossipore

Received this day. [illegible] Blanchard that Mr [illegible] kindly desired [illegible] to Mr Wellesley. Secretary's attention is drawn [illegible] to Para 5 of letter from Inspector General of Prisons No 68 dt 16th April 1875 which he refers to the Judicial Convict Death to Coroner, and when I wanted Orders sent back to Cossipore

27

1874-75-

1875

From

The Superintendent of
Coorg

To

The Judicial Commissioner
of Coorg

Dated Coorg 29th January 1875
Received 1st & 2nd February 1875.
Genl. Fo. 296
No 197

Have the honor to submit copy of letter dated 25th January 1875 No. 17 from the Superintendent of the Jail bringing to notice that Subadar convict F. Mc D'Costa is in a bad state of health, and that he will probably die unless removed to the Coast, and to report that on application for the transfer of the said Indian prisoner was made to the Inspector General of Jails, Ootacamund, but no reply has been yet received.

Instructions are solicited by Telegram.

I signed by Subadar
for Superintendent

No. 170/1874-75. Trichinopoly 25th January 1875.

From

The Superintendent
Trichinopoly District Jail

To,

The Superintendent of Coorg

Sir,

I have the honour to state for your information that Rast Dubia Convict F. No. 11 Cuda is in a bad state of health, and that in all probability he will die unless transferred to the Coast. Since his conviction (15th December) he has had inflammation of the liver very badly, followed by inflammation of the lining membrane of the heart, and there is now consolidation of the back of the right lung. There is every reason to suppose that with a suitable change of climate he would convalescence (sic) properly, but equally is it probable that he will die if compelled to remain here.

I have &c.

(Sd) W. J. Buckeed
Superintendent Trichinopoly Dist. Jail

"Copy"

Copy"
Signed S. Lothian
for Superintendent

Colin

J. D. Jordan

Ind Commissr

DP

Service Telegram

From

Judicial Commissioner
Bangalore

Superintendent of Coorg
Merkara

Transfer Appeal Doyle to Commissioner.
Desire an urgent Superintendent of Civil Prison
Madras Government asked Permission

Received 12-5.

(Signed) J. B. Gordon
Judicial Commissioner

Sir

J B Gordon

Judicial Commissioner

SN10

Cor. of the Commissioners Office
Bangalore the 7th April 1875
To
The Chief Secretary to Govt.
Fort St. George

Sir,

In forwarding the accompanying Copy of a letter from the Judicial Com.rs of Coorg, I am desired by the Offg. Chief Com.r to solicit that you will favor him with the views of H.E. the Governor in Council regarding the proposal of the Judicial Commissioner that arrangements should be entered into with the Madras Government under which the Jail at Mercara would become subsidiary to the Central Jail at Cannanore as regards all Convicts, and which would provide for the admission of Europeans Convicts at the Central jail at the latter place or elsewhere.

2 Should the Madras Govt. feel disposed to

accede to any arrangements of this kind the Govt would be prepared to urge upon the Govt of India the grant of such sum from the Revenues of that Province as the Madras Govt might consider necessary for the enlargement of the Central Jail at Cuddapah and as regards the maintenance of prisoners to carry out the provisions of the order of the Madras Govt dated 26th May 1873.

With adverence to the Judicial Comrs's remarks as to the difficulties at present felt in regard to Native Indian Prisoners at the Mercara Jail the Chief Commissioner would be glad if the Madras Govt could make temporary arrangements for their reception at some other Jail in the Madras Presidency

I have &c

J. Gordon Leslie

Copy

draft

Inclosed as ordered.

1875.

COORG DEPT. REGR. NO. 21

To

The Chief Secretary to the
Govt. Fort St. George

Dated, Bangalore, 7th
Despatched April, 1875

Enclosures No.

General No. 21 / Jud'l. No. 1 } 1875 — 76.

Herewith copy of a letter from
the Judicial Commissioner
and enclosures, with the views
of H.E. the Governor in Council
regarding the transfer of Coor-
gees from the Moreara Jail
to that of Bangalore or elsewhere,
especially for Indian
prisoners, as a temporary
measure.

DEPARTMENT. File I

BRANCH. Serial I

Draft

Letter / Memorandum / Telegram

Class for telegrams — Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. Dated 19

To

To be issued on Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams

S. S.

[a]GIPC—81—155(Genl)MFP—(M 19831—3 5 34—50 000 Pads

1881

Sec II

No. 15

from A. G. A Deptt
Calcutta.

No. 175

dt 26-1-81
rec'd 2/2/81.

In contn. of endorsement No. 374 d 1. March 1874. Asking information & voucher for correspondence regarding certain Coins for presentation to England

Copy of the previous letter was sent to the Govt of Bombay but as it does not appear from the records, that any reply was received, it may be called for if required

Shall send the List & a copy for info.

3/2 [illegible]

Prisoners.
Clothing.

It is requested that the above heading, with number and date of this communication, may be quoted in any subsequent correspondence on the subject.

No. 106.
C

Government of India,

MILITARY DEPARTMENT.

Fort William, the 13th January 1881.

To

THE ADJUTANT-GENERAL IN INDIA.

SIR,

I AM directed, with reference to your letter No. 5567-D, Discipline / Clothing, dated the 16th October 1880, to state, for the information of the Commander-in-Chief, that the Government of India approve of His Excellency's proposal, that in future, the clothing required for military convicts proceeding to England should be provided by the military, instead of the civil authorities, as hitherto, the cost being recovered through prison fund accounts.

I am, &c.,

(Signed) W. M. LEES, *Colonel*,
Depy. Secy. to the Govt. of India.

COPIES of the above forwarded for information to the Home, Revenue, and Agricultural Department; the Governments of Madras and Bombay; the Controller of Military Accounts, Bengal; and the Accountant-General, Military Department.

By order,

S/ H. C. Sawyer, *Captain*,
Offg. Asst. Secy. to the Govt. of India.

From Major-General G. R. GREAVES, C. B., Adjutant-General in India, to Colonel ALLEN JOHNSON, Secretary to the Government of India, Military Department, Simla,—(No. $\frac{5567}{D}$, $\frac{\text{Discipline}}{\text{Clothing}}$, dated Head-Quarters, Simla, the 16th October 1880.)

REFERRING to Military Department docket No. 648, $\frac{\text{Prisoners}}{\text{Clothing}}$, dated 18th November 1873, sanctioning a scale of clothing for military prisoners on embarkation for England, to be provided by the civil authorities, I am directed to state, for the information of Government, that a reference having been made by the General Officer Commanding Oudh Division regarding the provision of clothing for the convicts confined in the Lucknow Military Prison, who are to be sent home during the present trooping season, instructions have been issued to obtain the clothing, &c., as sanctioned by Government, from the Allahabad Jail, or locally, and to recover the amount from the prison fund.

2. It has been found necessary to make this alteration in the existing procedure, as, under the Discipline Act, convicts are not made over to civil custody, but remain in military custody until removed to England.

3. Should, therefore, the Government see no objection to the above arrangement, I am directed to request that sanction may be accorded to these kits being, in future, supplied by the military authorities, and the cost recovered through prison fund accounts.

SN 12

No. 2 / 3461

FROM

F. C. DAUKES, Esq.,

Under Secretary to the Govt. of India.

To The Chief Commissioner of Coorg.

Home Department.
Port Blair.

Fort William, the 15th December 1881.

SIR,

I AM directed to request that ——————————

you will be good enough to cause the necessary instructions to be issued that information should be furnished in the descriptive rolls of all female life convicts, who may in future be transported to Port Blair, as to whether they are married or single, or whether they have been divorced from their husbands.

I have the honour to be,

SIR,

Your most obedient Servant,

F. C. Daukes

Under Secretary to the Govt. of India.

D. N. M.—Home Department Press—No. 438—19 12-81—216.

1881

From

Home Department

Dated 19 December

Rec'd 2 1 82

No. 2/344

Requests that ins
tions may be issue
to Governors & Pris
Rolls of all female
Life Convicts who
be transported to Pen
Inspectors, whether th
are pardoned or dis
or whether they have
divorced from their

15/24 " 15/11/82 Stamp
15/25 " " " Letter
15/26 " " Forms
316

Copy to the Court of Exch
Copy to the Director
Home & the Supt Mercan
Yard for info & guidance

Endorsed
24 9/1

No.

FROM

F. C. DAUKES, ESQ.,

Under Secretary to the Govt. of India.

To

Home Department.
Port Blair.

Fort William, the *December* 1881.

SIR,

I AM directed to request that

you will be good enough to cause the necessary instructions to be issued that information should be furnished in the descriptive rolls of all female life convicts, who may in future be transported to Port Blair, as to whether they are married or single, or whether they have been divorced from their husbands.

I have the honour to be,

SIR,

Your most obedient Servant,

F. C. DAUKES,
Under Secretary to the Govt. of India.

D. N. M.—Home Department Press—No 438—10-12-81—210.

SN 15

No. 1
66

FROM

A. MACKENZIE, ESQ., C.S.,

Secretary to the Government of India.

To The Chief Commissioner of Coorg

Home Department
Port Blair.

Fort William, the 3rd January 1883.

SIR,

IT has been brought to the notice of the Government of India that the existing orders, under which only able-bodied and healthy convicts are deported to the Andamans, possibly entail in some cases undue hardship upon those convicts, who, although sentenced to transportation for life, are, on account of sickness or some bodily infirmity, detained to work out their sentences in jails in India. Under the existing rules* convicts at the Andamans, if their behaviour is good, acquire after specified periods a certain amount of liberty in the Settlement and other privileges, while convicts detained in India under sentence of transportation for a term of years are eligible under the "mark-system" for remissions of their sentences. On the other hand, it is believed that convicts under sentence of transportation for life, if detained in jails in India, are allowed no indulgences or privileges, and must, unless some portion of their sentence is remitted by the Local Government or by the Governor General in Council, remain in imprisonment during their entire life-time.

* *Vide* accompanying Rules 39 to 56 of the rules for the management of transported convicts at the Andamans.

2. In order to obviate the hardship above referred to, and as it is for several reasons undesirable to relax the existing rules under which only able-bodied and healthy convicts are sent to the Andamans, the Governor General in Council considers it desirable to invite attention to the fact that Local Governments are empowered by section 401 of the Code of Criminal Procedure (Act X of 1882) to remit at any time, with or without conditions, any portion of a sentence of transportation for life. It therefore rests with Local Governments to decide after what length of time such sentences should be remitted in the case of prisoners sentenced to transportation for life who may be confined in Indian jails. I am to add that life-convicts in the Andamans are under* clause 2, paragraph 8 of Home Department Resolution No. 266—69, dated the 29th July 1874, eligible for absolute release on completion of 20 years' imprisonment at the Settlement provided that their conduct under transportation has been good, and that their original offence was not of a kind to render them permanently dangerous to society or to public order.

* Copy enclosed.

3. I am to forward a copy of the correspondence marginally noted which has taken place with the Government of Bengal on this subject, and which shows the action taken by that Government for the purpose of regulating the grant of remission of sentence in cases of convicts sentenced to transportation for life, but not transported beyond the seas, and I am to suggest for your consideration the advisability of adopting similar measures as regards life-convicts detained in the jails of Coorg.

From Government of Bengal, No. 312 P., dated 6th February 1882.
To Government of Bengal, No. 239, dated 20th February 1882.

I have the honour to be,

SIR,

Your most obedient Servant,

D. N. M.—Home Department Press—No. 62—30-1-83—214.

Rules 39 to 56 of the Rules for the management of transported convicts at the Andamans.

39. There shall be three classes of male convicts, as follows:—

40. *3rd Class.*—All convicts on arrival shall be placed in this class. They shall be employed in hard gang-labour by day, and shall be confined to barracks at night. They shall receive rations and jail clothing, but shall be entitled to no indulgence or luxury. They shall wear double leg-irons for the first six months, and single leg-irons for the second six months, subject to special exemption by the Superintendent. After four years' satisfactory conduct in this class they shall be eligible for transfer to the second class.

41. Whenever a convict has passed more than six months in an Indian jail prior to transportation, the whole or such portion of the time as the Superintendent may deem fit, with reference to the record of conduct or other circumstances, may be allowed to count as time entitling to transfer to a higher class.

42. *2nd Class.*—In this class there will be two grades, in each of which a prisoner will pass three years. In the lower grade a prisoner may receive a regular allowance of twelve annas a month, and is to be held eligible for posts in barracks or jails, or for employment in the artificer corps. In the upper grade the prisoner may receive one rupee per mensem, and shall be eligible in addition for employment in the Convict Police, or in other petty Government employ as orderlies, or, except in cases of convicts transported for robbery or dacoity, as servants to free residents. The term "free residents" does not include conditionally and absolutely released convicts.

43. Men in this class will receive dry rations, and be supplied with jail clothing or uniform, as may be directed by the Superintendent.

44. Any allowance for working in the artificer corps, or for serving in any employment, may be paid to the men of the second class in addition to their regular monthly allowance.

45. After three years of approved service in each grade of the second class, convicts shall be eligible for transfer to the first class.

46. *1st Class.*—Convicts in this class shall remain in barracks or may be located otherwise, as the Superintendent may direct. They shall receive dry rations and from one rupee to two rupees per mensem. In cases where it may appear desirable, the Superintendent may substitute subsistence allowance for rations.

47. They shall do such labour as shall be assigned to them, and shall be eligible for service, or to support themselves on such conditions as the Superintendent may impose. In such cases a ticket shall be given to each convict with the conditions entered on it. Convicts of this class who do not live in barracks shall attend muster at such times as the Superintendent shall appoint, but at least once in every month. Term convicts shall not be eligible for service, or be permitted to support themselves or live out of barracks.

48. Life convicts in this class may be allowed to send for their wives or children, or to marry, but no marriage shall be recognized either of male or female convict unless the special permission of the Superintendent shall have been granted. All such permissions to be recorded in some durable form.

49. In addition to the three regular classes of male convicts, there will be a punishment chain-gang, in which any convict may be placed by order of the Superintendent for such periods as he may think fit. Convicts in this gang will be subjected to the strictest jail discipline, and shall be entitled to no indulgence. They shall be employed in gangs by themselves on hard extramural labour, or within workshops attached to the jail. There shall be a refractory ward attached to the jail where offenders of this gang may be confined and kept to specially hard labour within the enclosure wall of the ward, and there shall also be solitary cells for the punishment of offenders ordered to be confined in such.

50. Female convicts shall be divided into two classes.

51. *2nd Class.*—On arrival all shall join the second class. Women of this class shall be subjected to strict jail discipline and labour within the walls of their jail, receiving only food and clothes. Three years' good conduct shall make them eligible for transfer to the first class.

52. *1st Class.*—In this class there shall be two grades, A. and B.

Women in this class shall reside in barracks and work in sheds attached thereto. They shall receive rations, clothing and money allowance of 8 annas a month. Women will first be posted to grade B., but after two years' satisfactory conduct in this grade will be promoted to grade A. Women in grade A. may be allowed to marry, and if above the age of 35 years, to enter domestic service or support themselves on such conditions as may from time to time be imposed, attending muster as in the case of male convicts. When allowed to live out of barracks, each shall receive a ticket showing particulars of the conditions to which they are subject.

53. Women who prove refractory, or are guilty of misconduct, may be transferred to a punishment ward and will be liable to have their tasks increased, their hair cropped close, or themselves restricted to close confinement.

54. All convicts are liable to be placed in any lower grade by the Superintendent for such periods as he may direct.

55. Should any European convict be transferred to the Settlements having a ticket-of-leave, the same may, in case of misconduct, be revoked by the Superintendent, and the convict may be remanded to such class as may seem proper to the Superintendent.

56. Any convict who performs any signal service to Government may be granted by the Superintendent any indulgences beyond what by his class he is eligible for; but in every such case the reasons shall be recorded by the Superintendent, and an abstract entered in the register of letters and orders kept by the Superintendent, and submitted by him to Government.

D. N. M.—Home Department Press—No. 102—31-1 83—225

Clause 2 of extract paragraph 8 from a Resolution of the Government of India in the Home Department (Port Blair),—Nos. 266 to 269, dated Fort William, the 29th July 1874.

(2). In the *second* class the pardon shall be thus limited: No remission of sentence will be given to any convict who has not been twenty years under sentence at the Penal Settlement. When a convict has served this term of years, the Government may at their pleasure take into consideration the nature and degree of his original offence. If it was of a kind to make the convict permanently dangerous to society or to public order whenever he should be restored to liberty, in that case the life-sentence must run its course. If the offence does not fall within the category above described, the remission of sentence may be recommended by the Superintendent as a reward for approved and sustained good character and conduct. It will be within the discretion of Government to attach to these remissions conditions of the kind suggested in the 55th paragraph of the Report. As the Penal Settlements are directly under the Government of India, it will be convenient that all pardons to life-convicts be granted by or with the assent of the Government of India, and communication to this effect will be made to the Local Governments.

A. N. T.—Home Department Press—No. 103—31-1-83—205.

No. 312P., dated Calcutta, the 6th February 1882.

From—H. A. Cockerell, Esq., C.S.I., Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments.

To—The Secretary to the Government of India, Home Department.

With reference to your letter No. 1376, dated the 17th October last, I am directed to say that the Lieutenant-Governor accepts the view of the Government of India that the cases of prisoners sentenced to transportation for life, but not transported beyond the seas, can be met, though not, perhaps, in the most convienent way, by the provisions of the existing law.

2. The Lieutenant-Governor proposes to make it generally known to all such prisoners and to the officers of the Jail Department that he will remit unconditionally the remainder of the sentence of any such prisoner, provided that his offence was not of a kind to render him permanently dangerous to society or to public order, and provided that he has been well conducted during his imprisonment, and also that the period that he has passed in imprisonment in fulfilment of the sentence of transportation for life is not less than 20 years or such shorter period as, together with the remission that the prisoner may have earned under the mark rules, amounts to 20 years. Hitherto the mark rules have not applied to life convicts, but it is proposed to extend them to the class of life convicts now under consideration.

3. The case of each prisoner, the remainder of whose sentence it is proposed to remit, will be submitted by the Inspector General of Jails to Government, but, before issuing orders on the subject to the Inspector General, the Lieutenant-Governor desires me to ask whether the proposal stated above has the approval of the Supreme Government. Imprisonment for a long period in a jail in Bengal is a much more severe punishment than transportation to the Andamans so that it is necessary to hold out some hope to life convicts who, because of their health or of any other cause, are not transported beyond the seas. Even if the proposal now submitted is adopted, the treatment of the prisoners under consideration will be less liberal than that of similar prisoners in the Andamans who can obtain tickets-of-leave, and are allowed to marry after 10 years, and are released from confinement and sent back to India after 20 years.

4. The Inspector General of Jails proposes also that life prisoners convicted of dragging and other offences that would render their release at any time dangerous to society or public order, shall, after 20 years or such shorter period as, together with the remission that the prisoner may have earned under the mark rules, amounts to 20 years, be sent to an institution similar to the School of Industry at Lahore. The Inspector General states that such an institution could be easily established near a central jail, and he has been requested to submit definite proposals in the matter. On receipt of his reply, a further communication will be addressed to the Government of India on the subject. Meanwhile, I am to solicit the approval of His Excellency the Governor General in Council to the proposal in paragraph 2 of this letter.

No 239, dated Fort William, the 20th February 1882.

From—F. C. Daukes, Esq., Under Secretary to the Government of India, Home Department.

To—The Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments.

I am directed to acknowledge the receipt of your letter No. 312P., dated the 6th instant, and in reply to say that the Governor General in Council approves the action described in paragraph 2 thereof which His Honour the Lieutenant-Governor proposes to take for the purpose of regulating the grant of remission of sentence in cases of prisoners sentenced to transportation for life, but not transported beyond the seas.

A N P.—Home Department Press—No 101—31-1-83—200

1883

may be on the other
hand fail may be
reported on separately
for orders.

HG

Drafted
DG
12/2/83

12/2

From

The Secretary
Home Departme

No. 1 E.C.
66. 4 & 7

Dy 2nd Jany 83
8 —— 11 ——

Forwards for considera
Correspondence on the
regulating the grant of
remission of Sentences
to convicts transport
for life, with a view t
adapt similar meas
as regards life-convict
detained in the Jails of

Submitted for any orde
the C.C. may wish to
issued. When copies a
forwarded to the Comm
Coorg, and Supt of the Ja

2070 / 819 4/15/2/83. Noted.
Forward copies for
Comm. & Supt of Jail
Coorg through the Comm
and ask that the
cases or cases of an
life prisoners there

No. 154

FROM

A. MACKENZIE, ESQ., C.S.,
Secretary to the Government of India,

TO

THE OFFG. SUPERINTENDENT OF PORT BLAIR
AND THE NICOBARS.

Home Department.
Port Blair.

Simla, the 17 April 1883.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1234, dated the 19th February last, proposing that the warrants of those conditionally released convicts who are allowed to return to their country should be forwarded to the Local Governments within the jurisdiction of which their residence may be authorised, together with the agreements accepting the conditions of release executed by them before release. The Local Governments concerned will then, it is represented, be in possession of the necessary powers for re-arresting the convicts, should they violate the conditions of their release, and be able to return the warrants, when fully satisfied, to the Courts that issued them.

2. In reply, I am to say that the Governor General in Council sanctions the proposal made by you regarding the disposal of the warrants of conditionally released convicts; but I am to request that, before forwarding the warrants to the Local Governments concerned, you will be good enough to endorse on the warrant of each convict the fact and date of his conditional release, with a reference to the convict's agreement annexed to the warrant and the order of Government sanctioning such release.

3. With reference to the last clause of paragraph 4 of your letter under acknowledgment, I am to remark that, where the remission of sentence has been granted by the Governor General in Council, and not by a Local Government, His Excellency in Council alone can cancel such remission, and cancelment by the authority which granted the remission is in all cases necessary before a convict, who has failed to fulfil the conditions on which he was released, can be re-arrested.

I have the honour to be,

SIR,

Your most obedient Servant,

A. MACKENZIE,

Secretary to the Government of India.

No.

COPY of correspondence forwarded to all Local Governments and Administrations for information.

By order,

Offg. Under Secy. to the Govt. of India.

Govt. C. P. Press, Simla.—No. 50 H. D. 11-4-83.—250.

The Chief Commissioner

No. 1234, dated Port Blair, 19th February 1883.

From—Major M. Protheroe, Offg. Superintendent of Port Blair and the Nicobars,

To—The Secretary to the Government of India, Home Department.

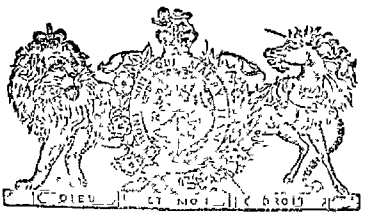
With reference to the recent orders of the Government of India releasing certain convicts, with permission to return to their country, provided they agree to submit to police surveillance and to such conditions and restrictions as to residence as the Local Governments of their respective provinces may impose, I have the honour to request the instructions of Government as to the disposal of the warrants of such convicts.

2. Under the provisions of paragraph 400 of the Criminal Procedure Code, the warrants of released convicts are returned to the Courts from which they issued; but with reference to Section 401, I am doubtful whether conditional releases can be regarded as complete executions of the warrants, inasmuch as, should the convicts to whom this indulgence may be extended fail to fulfil the conditions prescribed by the Governor General in Council, the remission of their sentences may be cancelled, whereupon they may be remanded to undergo the unexpired portion.

3. In Port Blair, where conditional releases have from time to time been granted since 1877, the practice has been to retain the warrants of the conditionally released prisoners, filing with them agreements in the annexed form executed by such prisoners before a Magistrate. Should at any time these conditional remissions be cancelled, the original warrants would be revived and the prisoners remanded by virtue thereof to undergo the unexpired portions of their sentences.

4. Should this procedure be correct, I propose, with the sanction of the Government of India, to forward the warrants of conditionally released convicts to the Local Governments within the jurisdiction of which their residence may be authorised, together with agreements in the annexed form duly executed by them before a Magistrate previous to their release. The Local Governments concerned will then be in possession of the necessary instruments for the retention of these conditionally released convicts, should they fail to fulfil the conditions on which they have been released; whilst, should it subsequently be considered advisable to convert any conditional into absolute releases, the warrants can then be returned to the Courts from which they issued.

Govt. C. B. Press, Simla.—No. 51 H. D.—13-4-83.—200.



I , son of

a convict at Port Blair, No. , at present undergoing a sentence of transportation for life, having been offered by His Excellency the Governor General of India in Council a remission of the remainder of the punishment to which I have been sentenced upon a certain condition which is hereinafter set forth, I, the said , son of , do hereby agree to accept this condition, and should I fail to fulfil the condition, or any portion of it, I am aware that the may cancel such remission, whereupon I shall be remanded to undergo the unexpired portion of *my* original sentence.

Now the condition is this:

That I agree to live under Police surveillance and subject to such restrictions as to residence as the Government of may see fit to prescribe.

Executed at Port Blair this day of 188

, son of

Before me,

Magistrate.

Offg. Chief Commissioner, Andaman and Nicobars, and
Superintendent of Port Blair and Nicobars.

Govt. C. B. Press, Simla.—No 51 H. D.—13 1 83—200.

1883

From

The offg under Secretary
Home department

Endt No. 2/194 E.I. 4 S.C. letter encls.
Dated 18 April 83.
Rec'd 26 — " —

Forwarding copy of Letter No. 185 d/ 18th April 1883 from the offg Supdt; Port Blair sanctioning his proposal that the warrants of convicts conditionally released & allowed to return to their own country may be forwarded to the Local Governments concerned.

Endn. to Govt of Coorg No. 188/71

From Home 3/1 dy 5: 84
133
Endt. to Govt. No. 84/0
2/40

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SM15

No. 9 —
1733.

FROM

A. MACKENZIE, Esq., C.S.,

Secretary to the Government of India,

To

The Chief Commissioner
of Coorg.

Home Department.
Port Blair.

Simla, the 7 August 1883.

SIR,

I AM directed to forward an extract from a letter from the Officiating Superintendent of Port Blair and the Nicobars, regarding the descriptive rolls of convicts deported to that Settlement, and to request that in accordance with the suggestion made by him, two columns headed "General Description of Person" and "Particular marks" may be substituted for column 9 headed "Personal Description" of the form of descriptive roll prescribed in Home Department letter No. 928, dated the 1st June 1870, a copy of which was forwarded to you under endorsement of the same date.

Paragraph 4 of letter No. 398C, dated the 21st July 1883.

2. I am also to request that ——— instructions may be issued to Jail officers to secure generally a more careful and intelligent record of the descriptive marks of convicts than is ordinarily at present entered in the rolls.

I have the honour to be,

SIR,

Your most obedient Servant,

A Mackenzie

Secretary to the Government of India.

Govt. Central Branch Press, Simla.—No. 617 H., D.—2-8-83.—125.

Extract paragraph 4 from a letter from the Officiating Superintendent of Port Blair and Nicobars, to the Secretary to the Government of India, Home Department, No. 398C., dated Port Blair, the 21st July 1883.

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4. All convicts immediately on their arrival at Port Blair are now carefully identified in this office with their descriptive rolls, any marked deficiencies in the description of their persons being made good in such rolls. After the lapse of years changes naturally occur in their appearance, which render the original descriptions less reliable for purposes of identification. On discharge, therefore, of convicts from Port Blair, fresh descriptive rolls, containing accurate information as to their appearance at the time of their discharge, are prepared and forwarded to the Commissioner of Police, Calcutta; it is therefore only in the comparatively few cases of escape from these Islands that the original descriptive rolls are relied on. In accordance with the instructions contained in your letter under acknowledgment, I have arranged that in future more detailed information regarding the personal appearance of and particular marks on each convict on his arrival at Port Blair shall be recorded in his descriptive roll. The labours of this office would be lightened if the attention of the Local Governments were invited to the necessity for more care in the preparation of the original descriptive rolls, and possibly a slight alteration in the form of roll prescribed in Home Department letter No. 928 of 1st June 1870 and now in use, *viz.*, the substitution of two columns headed respectively "General description of person" and "Particular marks" for the present one column No. 9, "Personal description," might conduce to greater accuracy and detail in the preparation, in Indian jails, of these rolls.

Govt. C. B. Press, Simla.—No. 518 H D.—30-8-83.—180.

COORG CHIEF COMMISSIONER'S OFFICE
J. 168
8 SEP 83
BANGALORE.

From.

The Secretary to the Govt of Ind
Home Department.

Dated 31st August 1883

No 5/425.

Requested to issue instrn to Jail officers to secure general a more careful and intelligent record of the descriptive marks of convicts than is ordinarily at present entered in the rolls.

3

Official transmitted

Copy forwarded to the { 1 Jail Dr Coorg 2 Commr 3 Supt of Police

for information & guidance.

No 997/315 - 19th Sept 83 "By order"

" 1000/C.586 " 19th "

" 1012/21320 "

Dy Secy.

Old Records

File No. 72

Collection No.

19

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. / Serial Nos.

Subject.

Coorg

Superintendent of Coorg (Assistant)

Appointment of a European Officer in South Coorg with full powers of a Magistrate to dispose of the Civil and Criminal business of the Coorg District.

Previous References.

Later References.

S. 97.— Green).

MFP—2158& P—(M 245)—21-6-34—30,000

Endorsement No.1502, dated the 13th February 1867 from the Government of India (Home Department) forwarding a copy of resolution No.559 dated the 28th Janauary 1867 in the Finance Department sanctioning the appointment of a European Officer and his establishment in South Coorg, at a cost of Rs.719 p.m. with the full powers of a Magistrate to dispose of the Civil and Criminal business of the District.

No. 559

GOVERNMENT OF INDIA

FINANCIAL DEPARTMENT

Law and Justice

FORT WILLIAM, *the 28th January* 1867

Read an Extract from the Proceedings of Government in the Home Department No 388 of the 15th instant, forwarding for favorable consideration and further orders, copy of a Resolution passed in that Department, recommending the appointment of a European Officer in South Coorg, with the full powers of a Magistrate, to dispose of the Civil and Criminal business of the District, at a cost, inclusive of Office Establishment of Rs 719 per mensem as shewn in the margin.

	Rs
1 Assistant Superintendent	600
1 Naib Sheristadar	50
1 Head Moonshee	35
1 English Clerk	30
1 Canarese Moonshee	20
1 Nazir	20
1 Record keeper	15
1 Mooshie	7
1 Duffadar	8
3 Peloyets at 7	21
1 Tent Lascar	7
1 Mussalchee and Sweeper	6
Total Rs	719

RESOLUTION.—The Governor General in Council is pleased to sanction the proposed expenditure subject to the approval of the Secretary of State.

Ordered that a copy of the above Resolution be sent to the Home Department for information and further orders

Ordered also, that a copy of the Resolution be sent to the Deputy Accountant General Mysore for information and guidance.

E. H. LUSHINGTON,

Secretary to the Government of India

Exd. E C Doss
108—31 1 67

P 4 1502

Copy forwarded to the Commissioner of Coorg, with reference to previous correspondence ending with the letter No 159/7, dated 11th December last.

For Secretary
Home Department
the 13th February 1867

By Order
W. Grey
Undersecy to the Govt of India

GOVERNMENT OF INDIA

FINANCIAL DEPARTMENT.

Law and Justice.

TO

The Commissioner in Coorg

No. 558.

Dated Fort William, 28th January 1867.

Received 2[illegible] February "

Forwards copy of a Resolution No. 55 of 21st January 1867, on the Financial Estimate sanctioning the appointment of a Curriculum Officer and his establishment in South Coorg at a cost of Rs. 119 per mensem.

General No. 643 / 1866-67
Secret-168

Coorg Commrs Office
Bangalore 26th Feb 1867

Copy of the foregoing with copy of the Resolution referred to is forwarded to the Supdt of Coorg for information & guidance with reference to his letter No 1241 dd 15th Decr 66

By order,
H. le Hay
Secretary

File No. 12 old Records

No. 388.

Extract from the Proceedings of the Government of India, in the Home Department, under date the 15th January 1867.

READ again the undermentioned papers:—

From	Commissioner of Coorg,	No. 239,	dated	22nd June	1865.
To	„ „	No. 307,	„	3rd August	„
From	„ „	No. 241-16,	„	28th „	„
To	„ „	No. 372,	„	22nd September	„
From	„ „	No. 211-7,	„	29th August	1866.
To	„ „	No. 5418,	„	15th October	„
From	„ „	No. 232,	„	25th September	„
„	„ „	No. 459-7,	„	11th December	„

RESOLUTION.

IN June 1865 the Commissioner of Coorg submitted, to the Foreign Department, a correspondence relating to the expressed desire of the Coffee Planters in Coorg that a European Magistrate should be appointed with powers to try all cases affecting their interests, and should be permanently stationed in Veerajenderpett. Mr. Bowring did not support the application, but recommended that another European Assistant should be attached to the district, with his head quarters at Mercara, which is 19 miles distant from Veerajenderpett. The Governor General in Council was then of opinion that, having regard to the fact that there are already two District Officers in Coorg, and that the revenue of the Province is small, the object in view might be attained by the deputation of the Native Extra Assistant, who could reside in Veerajenderpett for three or four months every year. To this the Commissioner replied that a European Officer was required for the disposal of judicial cases in which European Planters are concerned, and that the Native Assistant could not be spared from his duties connected with the Treasury. The Government of India was still, however, unwilling to attach an additional European Officer to Coorg, and suggested the transfer of the present Native Assistant to a suitable position in Mysore, and the substitution of a European Assistant in Coorg, who might then be deputed, as proposed, to Veerajenderpett.

2. It is now strongly urged that the appointment of a European Officer, with the full powers of a Magistrate, to dispose of the Civil and Criminal business of the district, is urgently required in South Coorg; and that the suggested transfer of the Native Assistant to Mysore is impracticable. It is further proposed that, in the event of no duly qualified Junior Member of the Madras Civil Service being available for the post, one of the Assistants in the Mysore Commission should be selected and deputed to Coorg,—his pay being debited to the latter Province, while his promotion would be allowed to go on, *pari passu*, with the other Assistants in the Commission, whether in Coorg or Mysore. The total cost of the whole arrangement as regards Establishment, including the salary of the European Officer, is fixed at Rupees 719 per mensem. Some additional outlay for providing suitable accommodation for the Assistant Superintendent will also be required, and is estimated at about Rupees 5,000; but of this, detailed estimates will hereafter, if the measure is approved, be submitted to the Department of Public Works.

ORDERED, that a copy of this Resolution, with the connected papers, be forwarded to the Financial Department for favorable consideration and future orders.

No. 389.

Ordered, that a copy be also forwarded to the Foreign Department for information; and with an intimation that, if the proposal is finally sanctioned, the selection of an Officer for the post will be arranged by the Commissioner in communication with that Department.

(True Extract.)

Secy. to the Govt. of India.

GOVERNMENT OF INDIA

FINANCIAL DEPARTMENT.

Law and Justice

TO

The Commissioner of Coorg

No 550

Dated Fort William, 28th January 1867

Received 25th February

Forwards copy of Resolution No 33 of 23rd January 1867 in the Financial Department declaring the appointment of a Curator in Office and Establishment in South Coorg to cost Rs 19 per mensem

General Letter Dated 168 / 1867

Commissioner's Office
Bangalore 16th Feb 1867

Copy of the foregoing with copy of the Resolution referred to is forwarded to the Supt of Coorg for information & guidance with reference to his letter No 1941 of 15th Decr 66

By order,
W. H. C. Hay
Secretary

File No 72 Old Records

No. 388.

Extract from the Proceedings of the Government of India, in the Home Department, under date the 15th January 1867.

READ again the undermentioned papers:—

From	Commissioner of Coorg,	No. 239,	dated	22nd June	1865.
To	„ „	No. 307,	„	3rd August	„
From	„ „	No. 241-16,	„	28th „	„
To	„ „	No. 372,	„	22nd September	„
From	„ „	No. 211-7,	„	29th August	1866.
To	„ „	No. 5448,	„	15th October	„
From	„ „	No. 232,	„	26th September	„
„	„ „	No. 459-7,	„	11th December	„

RESOLUTION.

IN June 1865 the Commissioner of Coorg submitted, to the Foreign Department, a correspondence relating to the expressed desire of the Coffee Planters in Coorg that a European Magistrate should be appointed with powers to try all cases affecting their interests, and should be permanently stationed in Veerajenderpett. Mr. Bowring did not support the application, but recommended that another European Assistant should be attached to the district, with his head quarters at Mercara, which is 19 miles distant from Veerajenderpett. The Governor General in Council was then of opinion that, having regard to the fact that there are already two District Officers in Coorg, and that the revenue of the Province is small, the object in view might be attained by the deputation of the Native Extra Assistant, who could reside in Veerajenderpett for three or four months every year. To this the Commissioner replied that a European Officer was required for the disposal of judicial cases in which European Planters are concerned, and that the Native Assistant could not be spared from his duties connected with the Treasury. The Government of India was still, however, unwilling to attach an additional European Officer to Coorg, and suggested the transfer of the present Native Assistant to a suitable position in Mysore, and the substitution of a European Assistant in Coorg, who might then be deputed, as proposed, to Veerajenderpett.

2. It is now strongly urged that the appointment of a European Officer, with the full powers of a Magistrate, to dispose of the Civil and Criminal business of the district, is urgently required in South Coorg; and that the suggested transfer of the Native Assistant to Mysore is impracticable. It is further proposed that, in the event of no duly qualified Junior Member of the Madras Civil Service being available for the post, one of the Assistants in the Mysore Commission should be selected and deputed to Coorg,—his pay being debited to the latter Province, while his promotion would be allowed to go on, *pari passu*, with the other Assistants in the Commission, whether in Coorg or Mysore. The total cost of the whole arrangement as regards Establishment, including the salary of the European Officer, is fixed at Rupees 719 per mensem. Some additional outlay for providing suitable accommodation for the Assistant Superintendent will also be required, and is estimated at about Rupees 5,000; but of this, detailed estimates will hereafter, if the measure is approved, be submitted to the Department of Public Works.

ORDERED, that a copy of this Resolution, with the connected papers, be forwarded to the Financial Department for favorable consideration and future orders.

No. 389.

Ordered, that a copy be also forwarded to the Foreign Department for information; and with an intimation that, if the proposal is finally sanctioned, the selection of an Officer for the post will be arranged by the Commissioner in communication with that Department.

(True Extract.)

Secy. to the Govt. of India.

Old Records.

File No. 74

Collection No.

19

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos.

Subject.

Cotton Goods

Prohibition of the importation into India of ----impressed with designs in imitation of currency, promissory or stock notes of the Government of India.

Previous References.

Later References.

S. 97.— Green).

MFP—215S&P—(M-245)—21-6-34—30,000.

Government of India, Department of Finance and Commerce resolution dated the 10th November 1882 regarding orders prohibiting the importation into India of cotton goods impressed with designs in imitation of currency notes, promissory notes, or stock notes of the Government of India.

No. 1877.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS &c.
Paper Currency.

Simla, the 10th November 1882.

READ—

A letter from the Government of Bengal to the Government of India in the Home Department, No. 872, dated the 31st May 1882, submitting for orders a proposal by the Inspector General of Police to prohibit the manufacture and importation of handkerchiefs impressed with designs in imitation of Government Currency Notes.

Read—

A letter to the Government of Bengal, No. 2071, dated the 30th June 1882, requesting that Government to point out to the Chamber of Commerce at Calcutta the fraudulent use that can be made of these handkerchiefs and the necessity which appears to exist for prohibiting the import of such articles, and to ask for the opinion of the Chamber on the subject.

Read—

An endorsement from the Government of Bengal, No. 2293, dated the 17th August 1882, submitting the opinion of the Bengal Chamber of Commerce "that the importation of handkerchiefs impressed with designs of Government Currency Notes should be peremptorily prohibited," with an intimation that the Honourable the Lieutenant-Governor concurs in this opinion.

RESOLUTION.—In May last the Inspector General of Police, Bengal, brought to the notice of the Local Government that there had recently been an importation of gaudy coloured cotton goods on which, among other things, designs in imitation of Government Currency Notes had been impressed, and that two of these designs had been cut out and palmed off on ignorant people in Calcutta as genuine notes. It also appears that similar goods have been imported into the Bombay Presidency and other parts of India, and it is believed that designs cut from them have been used for dishonest purposes outside the presidency towns. The Governor General in Council observes that while there is doubtless not fraudulent intention on the part of the manufacturers and importers of these goods, there is evidence that the Currency Note forms impressed on them have been used in this country for fraudulent purposes. The designs could not impose upon any person who had experience in dealing with Currency Notes; but, as the poorer and more ignorant classes of the community are very easily deceived in matters of this nature, it appears to His Excellency in Council that there is substantial risk of these imitations of Currency Notes being used to a considerable extent for purposes of deception; any such frauds might also seriously affect the confidence of the poorer classes in Currency Notes, and His Excellency in Council is, therefore, of opinion that it is necessary in the interests of the public to prohibit the importation of the goods in question. This prohibition, if carried into effect at once, would, however, render valueless goods which have been manufactured in good faith, and accordingly His Excellency in Council is pleased to decide that the prohibition shall not be brought into operation until 1st March 1883. It has also been discovered that goods of a similar nature have been imported with designs impressed upon

them in imitation of Government Promissory Notes, and the prohibition will, therefore, be made to include all such goods as well as any goods on which designs in imitation of Government of India Stock Notes may be impressed.

2. The Governor General in Council would under ordinary circumstances have preferred that effect should be given to the prohibition by means of legislation; but legislation on the subject, if framed in general terms and not made applicable solely to the particular case now under consideration, would necessarily have a wider effect than the necessities of the case require, and His Excellency in Council has, therefore, decided to use the powers conferred on him by section 19 of the Sea Customs Act, 1878, for the purpose of prohibiting the import of the goods in question, and accordingly directs the publication of the annexed notification.

ORDERED, that this Resolution be published in the *Gazette of India* for general information, and that it be communicated, with a copy of the Notification, to the several Local Governments and Administrations for information and guidance.

Offg. Asst. Secy. to the Govt. of India.

No. 4878.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS, &c.
Paper Currency.

NOTIFICATION:

Simla, the 10th November 1882.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the importation into ports in British India of cotton goods impressed with designs in imitation of Currency Notes, Promissory Notes, or Stock Notes of the Government of India. This order shall come into force from the 1st of March 1883.

D. BARBUOR,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE A COMMERCE.

ACCOUNTS, &c.
Paper Currency

RESOLUTION.

To

No. 4877.

Dated Simla, the 10th November 1882.

Orders prohibiting the importation into India of cotton goods impressed with designs in imitation of Currency Notes, Promissory Notes, or Stock Notes of the Government of India.

G C B. Press, Simla.—No 707 C F.—15 9 82.—Jo.

No. 4877.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS &c.
Paper Currency.

Simla, the 10th November 1882.

READ—

A letter from the Government of Bengal to the Government of India in the Home Department, No. 872, dated the 31st May 1882, submitting for orders a proposal by the Inspector General of Police to prohibit the manufacture and importation of handkerchiefs impressed with designs in imitation of Government Currency Notes.

Read—

A letter to the Government of Bengal, No. 2071, dated the 30th June 1882, requesting that Government to point out to the Chamber of Commerce at Calcutta the fraudulent use that can be made of these handkerchiefs and the necessity which appears to exist for prohibiting the import of such articles, and to ask for the opinion of the Chamber on the subject.

Read—

An endorsement from the Government of Bengal, No. 2293, dated the 17th August 1882, submitting the opinion of the Bengal Chamber of Commerce "that the importation of handkerchiefs impressed with designs of Government Currency Notes should be peremptorily prohibited," with an intimation that the Honourable the Lieutenant-Governor concurs in this opinion.

RESOLUTION.—In May last the Inspector General of Police, Bengal, brought to the notice of the Local Government that there had recently been an importation of gaudy coloured cotton goods on which, among other things, designs in imitation of Government Currency Notes had been impressed, and that two of these designs had been cut out and palmed off on ignorant people in Calcutta as genuine notes. It also appears that similar goods have been imported into the Bombay Presidency and other parts of India, and it is believed that designs cut from them have been used for dishonest purposes outside the presidency towns. The Governor General in Council observes that while there is doubtless not fraudulent intention on the part of the manufacturers and importers of these goods, there is evidence that the Currency Note forms impressed on them have been used in this country for fraudulent purposes. The designs could not impose upon any person who had experience in dealing with Currency Notes; but, as the poorer and more ignorant classes of the community are very easily deceived in matters of this nature, it appears to His Excellency in Council that there is substantial risk of these imitations of Currency Notes being used to a considerable extent for purposes of deception; any such frauds might also seriously affect the confidence of the poorer classes in Currency Notes, and His Excellency in Council is, therefore, of opinion that it is necessary in the interests of the public to prohibit the importation of the goods in question. This prohibition, if carried into effect at once, would, however, render valueless goods which have been manufactured in good faith, and accordingly His Excellency in Council is pleased to decide that the prohibition shall not be brought into operation until 1st March 1883. It has also been discovered that goods of a similar nature have been imported with designs impressed upon

them in imitation of Government Promissory Notes, and the prohibition will, therefore, be made to include all such goods as well as any goods on which designs in imitation of Government of India Stock Notes may be impressed.

2. The Governor General in Council would under ordinary circumstances have preferred that effect should be given to the prohibition by means of legislation; but legislation on the subject, if framed in general terms and not made applicable solely to the particular case now under consideration, would necessarily have a wider effect than the necessities of the case require, and His Excellency in Council has, therefore, decided to use the powers conferred on him by section 19 of the Sea Customs Act, 1878, for the purpose of prohibiting the import of the goods in question, and accordingly directs the publication of the annexed notification.

ORDERED, that this Resolution be published in the *Gazette of India* for general information, and that it be communicated, with a copy of the Notification, to the several Local Governments and Administrations for information and guidance.

R. E. HAMILTON,

Offg. Asst. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS, &c.
Paper Currency

RESOLUTION.

To

No. 4877.

Dated Simla, the 10th November 1882.

Orders prohibiting the importation into India of cotton goods impressed with designs in imitation of Currency Notes, Promissory Notes or Stock Notes of the Government of India.

G. C. B Press, Simla.—No. 707 C. F.—15-11-82.—220.

No. 4878.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ACCOUNTS, &c.
Paper Currency.

NOTIFICATION.

Simla, the 10th November 1882.

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the importation into ports in British India of cotton goods impressed with designs in imitation of Currency Notes, Promissory Notes, or Stock Notes of the Government of India. This order shall come into force from the 1st of March 1883.

D. BARBUOR,

Secretary to the Government of India.

Old Records.

File No. 75 of O.R.

Collection No.

19

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos.

Subject.

Court fees

Levy of ---in Muffassal Courts and in the original side of Presidency town High Courts.

Previous References.

Later References.

(77)

S. 97.— Green).

MFP—215S&P—(M-245)—21-6-34—10,000

Table of contents. F.75 of O.R.

Government of India, Legislative Department letter No.1452, dated the 3rd July 1884 regarding levy of court fees in Muffassal Courts and in the Original Side of Presidency town High Courts.

No. 1052.

FROM

D. FITZPATRICK, ESQ.,

Secretary to the Government of India,

LEGISLATIVE DEPARTMENT,

To

The Chief Commissioner of Coorg.

Simla, the 31st July, 1884.

SIR,

I AM directed, with reference to certain communications which have been recently received by the Government of India, and to which I shall presently refer more particularly, to invite your attention to the mode in which court-fees are at present levied in the Mufassal Courts and on the Original Side of the Presidency-town High Courts, and to make the following observations.

2. The amount of court-fees payable by litigants may be fixed with reference to one or other, or both, of the following matters, namely :—

(*a*) the amount of labour imposed on the Courts by the litigation; and

(*b*) the value at stake in the litigation.

3. The principle of fixing the amount of the fees with reference to the work to be done, besides being obviously fair, has this special and additional advantage, that it tends to check unnecessary and vexatious steps being taken by the litigants.

4. The principle of fixing the amount of the fees with reference to the value of the subject-matter to be dealt with, though open to exception on theoretical grounds, and though difficult to apply to certain particular classes of suits, is one which is adopted to a great extent in various classes of business, public and private, and which it will be generally admitted has much to recommend it.

5. In England both principles are found in operation.

In the Supreme Court the fees are fixed, and not *ad valorem*; but there is a higher and a lower scale of fees. The cases in which the lower scale is allowed are enumerated in Order VI of the Rules of the Supreme Court as to court-fees (Wilson's Judicature Acts, 3rd Edition, page 607). Proceedings are commenced by a writ of summons, the fee for sealing which is 5*s*. lower scale and 10*s*. higher scale. The fee on entering a cause for trial is £1 lower scale and £2 higher scale; and there are other fees at different stages (see the Table in Wilson, page 639).

6. In the County Courts the fees are calculated chiefly on the *ad valorem* principle. Thus the initial fees are—

For every plaint or petition, 1*s*. in the pound—

when the claim or demand exceeds forty shillings and an ordinary summons is to be served by bailiff, an additional fee of £1;

when the number of defendants exceeds three, an additional fee of 1*s.* for each defendant above three:

For every hearing, 2*s.* in the pound.

(Pitt-Lewis' County Court Practice, Part I, Appendix I.)

7. In this country, both in the Mufassal and on the Original Side of the Presidency High Courts, court-fees are at present regulated in part by one and in part by the other principle; but, while in the Mufassal they are fixed mainly with reference to the value of the subject of the litigation, on the Original Side of the High Courts they are fixed almost exclusively on the other principle. The natural, though not the strict logical, consequence of this is that court-fees are considerably higher in the Mufassal than on the Original Side of the High Courts.

8. The Governor General in Council has recently had before him two proposals, which, however widely they may differ in other respects, have this much in common, that they both tend to an assimilation to a certain extent of the Mufassal and High Court systems.

9. In December, 1883, Sir Richard Garth forwarded to the Government of India a minute, dated the 24th of that month, in which, in continuation of previous communications, he drew attention to the two following main questions:—

1st, whether, as a matter of justice to civil suitors, the amount of the tax leviable in the form of court-fees ought not to be considerably reduced;

2ndly, whether (whatever the amount may be) it is not unwise and inconvenient to impose it in its present form.

The former of these questions, as well as certain other matters touched on in the minute, are still under the consideration of the Government, and will be separately dealt with. The portion of the minute referring to the second question will be found appended to this letter. It will be seen from it that Sir R. Garth objects to the heavy *ad valorem* fee taken in a lump on the institution of a suit in the Mufassal, on the ground that it is unfair to make the main charge without any reference to the amount of work imposed on the Court, and that it is impolitic to do so, inasmuch as, when once the money is paid, the litigants have little inducement to keep their proceedings within bounds or to come to an amicable settlement.

He therefore advocates for the Mufassal a larger resort to the High Court system, which spreads the charges over the successive steps of the litigation.

10. The communications from the Government of Madras noted in the margin, on the contrary, advocate the assimilation to a certain extent of the High Court fees system to that of the Mufassal, the chief reasons urged being that the present High Court system involves a considerable loss of revenue, and that there are no special reasons why the litigants in the High Court should be more tenderly dealt with than litigants elsewhere.

No. 82, dated 11th January, 1883, and enclosures.
No 213, dated 26th January, 1883, and enclosures.

11. The Governor General in Council apprehends that anything approaching a complete assimilation of the two systems would be impracticable without an amount of disturbance of existing arrangements which would be objectionable; but nevertheless it appears to him that any system to be satisfactory ought to give due weight both to the *ad valorem* principle and to the principle of payment in proportion to work done, and he is disposed to think that there is room for improvement both in the Mufassal Courts and on the Original Side of the High Courts in this respect.

12. In considering the possibility of adopting Sir R. Garth's proposal it must be remembered that the system of taking the bulk of the court-fees in one lump sum is the simpler system, and that, having regard to the comparative

weakness of the subordinate staff of the Mufassal Courts, all complications should, as far as possible, be avoided. The Governor General in Council is, however, disposed to think that something in the direction indicated by Sir R. Garth may be done safely and with advantage.

13. It might perhaps be possible to shift part of the *ad valorem* institution-fee, and add it on to the process-fees when such fees are taken under the existing law and rules; but this would probably involve the fixing of higher rates of process-fees for suits of high values than for suits of low values; and it is doubtful whether this would answer everywhere. It would not, of course, be necessary to make the gradations in the process-fees as numerous or as fine as in the institution-fees. We might be content with a more rough-and-ready application of the *ad valorem* principle; but still the matter would be somewhat complicated, and it would be impossible to express an opinion on it without hearing what judicial officers have to say.

It would, moreover, be difficult to form any reliable estimate of the income which might be expected from the enhanced process-fees.

14. There is, however, one step towards giving effect to Sir R. Garth's views, which could probably be adopted without much disturbance of existing arrangements, and that is, to break up the institution-fee into two or perhaps three parts, which would be taken, irrespective of all smaller details of procedure, at certain marked stages in the litigation; or, what would come to much the same thing, to continue to take a full fee on the institution as at present, but to refund a certain portion of it in the event of the litigation terminating at a particular stage by confession, compromise, or withdrawal of the suit.

15. A system of this latter description was in fact in force under our law down to the passing of the present Court-fees Act, and it is believed that it was found well calculated to promote the amicable adjustment of suits. Section 98 of Act VIII of 1859 went so far as to provide for the refund of the whole institution-fee in certain cases and half in others. Section 26 of Act X of 1862 limited the refund to half in all cases.

16. This provision of the stamp law was abolished by the present Court-fees Act. The reasons given for its abolition by Mr. F. Cockerell in the Statement of Objects and Reasons of that Act and in his speech in Council were, first, that it was necessary in order to compensate for certain sacrifices of revenue which he was making, and secondly, that, as the practical result of a suit is commonly very much the same whether it is settled by a compromise or by a decree passed after the matter has been fought out in Court, the fee paid ought to be the same.

17. The first of these reasons was undoubtedly substantial, and it is manifest that the re-enactment of the provision in question might occasion a considerable loss of revenue; but this is a matter to which the Governor General in Council would be prepared to give favourable consideration if a recurrence to the system of refunds was generally regarded as desirable.

18. Mr. Cockerell's second reason does not commend itself to the Governor General in Council. It proceeds, as will be observed, exclusively on the *ad valorem* principle, and leaves out of account altogether the other principle of making the fee in some measure proportionate to the service. Moreover, it ignores altogether the desirability of promoting amicable settlements.

19. Though, as I have already stated, the Government of India do not desire in the present communication to enter upon the general question of the reduction of court-fees, I am to observe that a recurrence to the system of refunds or the distribution of the institution-fee would afford a considerable amount of relief in those classes of suits in which the present rate of court-fees seems to be most complained of, namely, in suits instituted by money-

lenders against their debtors, and by landlords against their tenants, merely for the purpose of enforcing payment of, or keeping alive a claim to, a debt which is not disputed. It is certainly a hardship, both to the creditor and to the debtor, that each time such a suit is instituted the debt should be swollen by the amount of a heavy institution-fee; and this hardship would be greatly reduced if the plan above referred to, of spreading the institution-fee over the different stages of the suit or refunding a portion of it when there is no contest, were adopted.

20. In the event of either of these measures being adopted, it would probably be desirable to provide, as is done in the English County Courts, that information of the law should be given to the defendant. The ordinary form of summons in those Courts contains the following notice, made conspicuous by capital letters :—

"N.B.—IF YOU OWE THE MONEY, AND WILL CONSENT TO A JUDGMENT, YOU WILL SAVE HALF THE HEARING-FEE."

And the mode in which this saving may be effected is carefully explained on the back of the summons (see the form in Pitt-Lewis, Appendix II, Form II).

21. Turning now to the proposals of the Government of Madras, the Governor General in Council believes that, having regard to the conditions under which litigation is conducted on the Original Side of the Presidency-town High Courts, and to the heavy expenses necessarily attending such litigation, it would be generally admitted that any attempt to put the High Court fees on a level approaching that of the Mufassal fees would be impracticable; but it need hardly be said that any step in this direction, as, for example, by the imposition of moderate *ad valorem* fees on the institution of a suit and on going to trial, would be advantageous, not only because it would reduce an excessive inequality in the incidence of the court-fees, but also because it would, by affording a set-off, make it easier to grant the concession in respect to Mufassal court-fees above proposed and any further concessions or reductions which may later on come under consideration. I am accordingly to request that the Local Governments and High Courts concerned will take this matter into consideration, and submit to this Department, not later than the 15th of September, any proposals they may think practicable in the direction indicated by the Madras Government.

22. As regards the suggestions for the amendment of the Mufassal system above referred to, I am to request that they may be carefully considered by all Local Governments and High Courts, and by such officers and other persons as the Local Governments may think fit to consult, and that such remarks upon them as may be recorded, and such suggestions as may be made towards the attainment of the objects proposed, may be submitted to this Department not later than the 15th of September.

I am also to request that you will at the same time state what, as far as it be estimated, would be the loss of revenue resulting from the adoption of measures which may be recommended by you in reply to this communication.

3. I am to request that you will impress upon the subordinate officers om you may think fit to consult that their marks and suggestions should be strictly confined to the subject-matter of the sent reference.

I have the honour to be,

SIR,

Your most obedient Servant,

Secretary to the Government of India.

Extract from Minute by SIR RICHARD GARTH, *Kt., Chief Justice, Calcutta, dated 24th December, 1883, referred to in paragraph 9.*

* * * * * * * *

I HAVE already endeavoured to show that the imposition of a large institution-fee too frequently operates as a denial of justice, and gives rise to very objectionable practices.

But this is by no means the only or most ordinary mischief of the system. Its effect, with the generality of suitors, is to prevent suits being settled out of Court, and to prolong litigation unnecessarily.

When a plaintiff has once paid a large institution-fee, he considers, not unnaturally, that he has purchased from the Government the right and the means of pressing his claim to the utmost. He knows that, if he goes to trial, he will not have to pay any further fees, and he thinks that he may as well take his chance of screwing the last pice out of his opponent.

On the other hand, a defendant, who would be otherwise disposed to come to a reasonable settlement, is tempted to go to trial, and to set up some false or shadowy defence, because he knows that, whether he goes to trial or settles the claim amicably, he will still have to repay the plaintiff, over and above his claim, the heavy institution-fee, and that he will at least gain time by resisting as long as he can.

Now, the English system, which is adopted in the High Court, is calculated not only to avoid this evil, but directly tends to prevent a suit being unnecessarily prolonged. On the Original Side of the Court a small fee, only Rs. 12, is paid on the filing of the plaint; and further fees are imposed, as the suit proceeds, in such a way as to deter both parties from carrying on the suit beyond what is really necessary.

So much is charged upon every affidavit, so much upon every application, so much upon every witness summoned or document produced, and so much (the largest fee of all) upon the trial.

This system is manifestly just, because the heaviest fee is thus charged at those stages of the proceedings which cause the Government most trouble and expense. The filing of the plaint is an inexpensive matter, and must needs be the first step in every cause. No unnecessary obstacle should therefore be placed in the way of that. But the going to trial, or the use of a multitude of affidavits, or witnesses, or applications, may or may not be necessary; and to impose a fee upon each of these, commensurate with the degree of extra trouble which they cause, or time which they involve, is only a wholesome check upon needless proceedings.

If a plaintiff or a defendant can save the court-fees and other expenses of a trial by settling the matter amicably, here is a direct inducement to do so; or if the production of each witness or document costs so much in stamp-fees, besides the other ordinary expenses of bringing them into Court, a prudent man will think twice before he incurs that cost.

By thus distributing the fees over the various proceedings in the suit, the Government will only be reverting to the system which prevailed in this country for many years, and which, so far as I can ascertain, was only discontinued because the levy of the one institution-fee relieved the Courts of a certain amount of trouble.

* * * * * * * *

stage of the suit. It is my humble opinion that a system of Reports will be found necessary as it will involve the issue of constant orders on the Collectors of the Treasury. Sir R. Gantt's proposal which is in accordance with the practice existing in the High Court seems unobjectionable. The Officials of the Supreme Court now receive the whole Court fee in the first instance and the Process fee afterwards. The new proposal will only impose some extra labor on the Court Officials, but I think this is unobjectionable to the other proposal.

Before replying to this reference, however, I think that with reference to para 22, the Comr of Coorg should be asked to report his views in the matter and to state what amount of revenue would be lost to Coorg by the adoption of either of the proposed measures.

YL

Ask the Comr — 23.7.81

Show to Treasurer —

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS

THE REGISTRAR, HIGH COURT, CALCUTTA.

Dated 3rd July, 1884.

No. 1452.

SUBJECT:

Levy of court-fees in Mufussil Courts and in the Original Side of Presidency-town High Courts.

Reply to be sent before [illegible]

Govt C B Press, Simla.—No 196 L D—2 7 84—25.

Dated 3rd July, 1884. Sir S. C

Ref. 11 — 4 —

Court Fees Act, s. 11, cl. (vi) 299 of 1884 Sir S. C

Give much relief to parties. There is nothing so satisfactory as an amicable settlement between the parties, and such settlement is not precluded by the existing practice under which the whole amount of court fee is collected in the first instance, and no refund of any portion of it is made even though the parties may come to an amicable settlement soon after the institution of the suit.

The wisdom of the proposed measure being evident, the only question is whether it is preferable to adopt Sir R. Garth's proposal that the court fee be divided into 2 or 3 parts and one part collected at each important stage of the suit, — so that if a case is compromised in the middle of a suit the portions of the court fee still remaining to be paid may be saved by the parties, or to adopt the proposal of the Govt of India that the whole amount of court fee should be collected in a lump at first, and some fixed portion of it refunded to the party if the case be compromised at some prescribed later

There is no doubt that the measure recommended in this letter in regard to collection of Court fees the Mofussil Courts is very necessary and a

Old Records.
File No. 76

Collection No.

19

Office of the Chief
Commissioner of Coorg
Bangalore.

Pros. Serial Nos. 1-

Subject.

Court Fees Act

Rules under ---for regulating the number and remuneration of peons to be employed for the services of processes in the several courts at Mercara.

Previous References.

Later References.

(72)

S 97 — Green)
MFP- 215S&P—(M 24b)—21 6 34—30,000

Letter No.574/73, dated the 14th November 1870 from Secretary to Commissioner of Coorg to Secretary to Government of India (Home Department) regarding rules required by Sections 20,22 and 23 of the Court Fees Act 1870 for regulating the number and remuneration of peons to be employed for the service of processes in the several courts at Mercara.

From

To

Dated

Despatched

Received

Enclosures No.

General No. 571 } 18

Local No. 13 }

For orders

P.R.

DEPARTMENT.

BRANCH.

File

Serial

Draft Letter / Memorandum / Telegram

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No. Dated 19

To

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1st Reminder

2nd Reminder

3rd Reminder

Heading

Case or Diary No.

If post copy of telegram required

Date of despatch of above

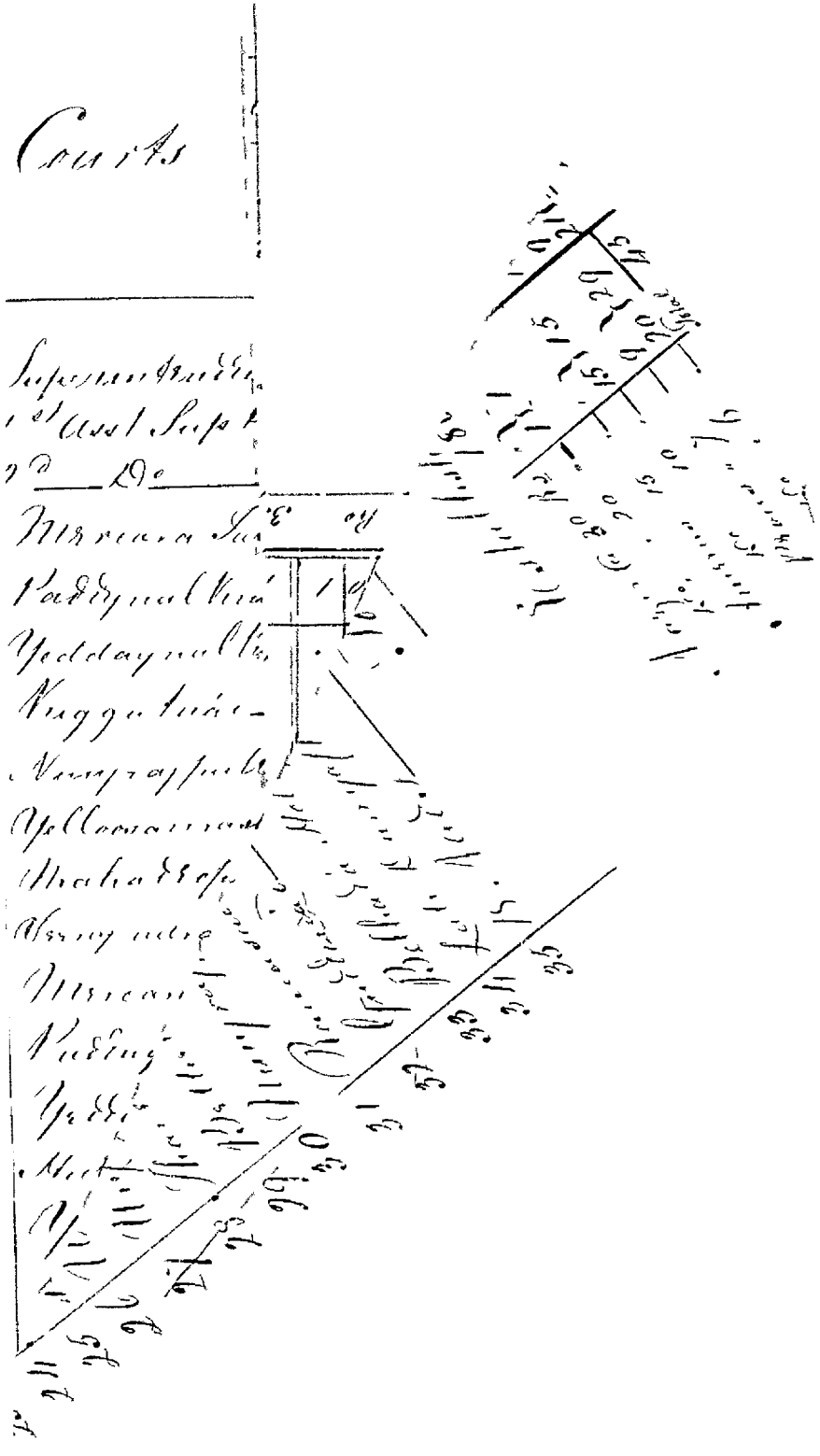
List of enclosures

(Code word for telegrams)

S 5.
MG1PC—S1—158(Gen)MTP—(M 1983)—3 5 34—50,000 Pads

Comparative Income and Expenditure of
Lucknow in the 18th, 19th & 20th centuries by
W. Crooke.

Cost of



Comparative Statement showing Establishments and Cost maintained for Service and Expenditure of Prisoners in the several Courts in Coorg ~~annually~~ established maintained in the years 1867, 1868, and 1869 respectively accompanied with Cash proposed also the receipts during that period

Courts	Total cost of Establishment maintained during 1867	1868	1869	Total cost of Establishments proposed in Schedule No 22 of Appendix to Judicial Report for 1869	Receipts 1867 Civil Courts	Criminal Courts	Revenue Courts	1868 Civil Courts	Criminal Courts	Revenue Courts	1869 Civil Courts	Criminal Courts	Revenue Courts
1 Superintendent Circle Court	134 12 -	257 - -	505 - -	528 - -	154 12 -	- - -	- - -	252 - -	- - -	- - -	505 - -	- - -	- - -
2 Asst Superintendent do	133 6 8	240 - -	261 - -	408 - -	153 6 8	- - -	- - -	240 - -	- - -	- - -	261 - -	- - -	- - -
3 Do do	- - -	- - -	521 2 -	492 - -	- - -	18 15 2	- - -	- - -	14 13 2	- - -	521 2 -	81 7 3	- - -
4 Moorsa Talook	503 9 8	423 8 10	369 4 -	372 - -	369 9 8	- - -	- - -	423 8 10	- - -	18 12 -	369 4 -	- - -	22 8 -
5 Puddinpaltherah do	129 4 -	182 8 -	153 - -	255 - -	129 4 -	- - -	5 4 -	182 8 -	- - -	7 8 -	153 - -	- - -	12 - -
6 Yeddanpaltherah do	371 4 -	472 - -	357 8 -	372 - -	371 4 -	- - -	- - -	472 - -	- - -	- - 12 -	357 8 -	- - -	12 - -
7 Nuggerah do	107 4 -	84 8 -	57 - -	288 - -	107 4 -	- - -	- - -	84 8 -	- - -	- - -	57 - -	- - -	- - -
8 Nuggerapattana do	126 3 10	221 8 -	260 - -	372 - -	126 3 10	- - -	- - -	221 8 -	- - -	1 8 -	260 - -	- - -	- - -
9 Yellenaviradoo do	201 8 6	245 12 1	304 14 11	288 - -	201 8 6	- - -	- - -	245 12 1	- - -	1 8 -	304 14 11	- - -	- - -
10 Mahadeshpatt do	189 11 10	447 4 8	313 14 -	288 - -	189 11 10	- - -	- - -	447 4 8	- - -	- - -	313 14 -	- - -	- - -
11 Nanjarayapatt	272 - -	294 - -	284 4 -	288 - -	272 - -	- - -	- - -	294 - -	- - -	- - -	284 4 -	- - -	12 - -
12 Moreana Nad	- - -	- - -	43 12 -	84 - -	- - -	- - -	3 4 -	- - -	- - -	5 4 -	43 12 -	- - -	12 - -
13 Puddinpaltherah do	- - -	- - -	1 - -	84 - -	- - -	- - -	- - -	- - -	- - -	2 4 -	1 - -	- - -	12 - -
14 Yedanpaltherah	- - -	- - -	17 4 -	84 - -	- - -	- - -	- - -	- - -	- - -	- - -	17 4 -	- - -	- - -
15 Mullia Nad	- - -	- - -	3 12 -	84 - -	- - -	- - -	- - -	- - -	- - -	- - -	3 12 -	- - -	- - -
16 Yedavanad	- - -	- - -	19 - -	168 - -	- - -	- - -	- - -	- - -	- - -	- - -	19 - -	- - -	- - -
17 Kotty Nelly	- - -	- - -	25 - -	168 - -	- - -	- - -	- - -	- - -	- - -	- - -	25 - -	- - -	- - -
18 Mercara Nad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
19 Merdegeynad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
20 Heirikeri Nad Shanbhagaranna	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
21 Nadikerinad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	1 5 -	- - -	- - -	1 5 -
22 Kaningeynad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	1 5 -	- - -	- - -	3 12 -
23 Bagegunad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	2 4 -	- - -	- - -	11 4 -
24 Shanvad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	1 5 -	- - -	- - -	7 5 -
25 Bopponad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
26 Ammatinad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	3 - -	- - -	- - -	12 - -
27 Ungeyeynad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
28 Thalayeynaccenad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
29 Pattatinad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
30 Nanjarayapattana Nelly	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	3 12 -	- - -	- - -	5 4 -
31 Ramanaraya Samudram	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
32 Gundanad	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	12 - -	- - -	- - -	- - -
33 Bellada Nelly	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
34 Late Nanjarayapattana	Land 3 5	622 8 6	- - -	- - -	699 3 8	- - -	- - -	622 8 6	- - -	- - -	- - -	- - -	- - -
35 Ramanaraya Samudram	- - -	- - -	- - -	6512 - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Total	1 3492 10 11	6685 - -			3207 7 2	18 15 2	10 8 -	3455 10 1	14 13 2	51 12 -	3492 10 11	81 7 3	69 12 -
					Rs 3236 - 14 - 4			Rs 3552 - 3 - 3			Rs 2643 - 14 - 2		

Establishment	1867	1868	1869	Proposed
Sazi @ 30 Rs	11	11	2 3	1 3
do @ 20				2
Sirsina @ 15	15 15	16 16	1 17	8 8
do @ 10			16	
Khana @ 7	9 29	3 30	5 29	52 52
do @ 6	20	21	24	
Total	45	47	49	63

Old Records.

File No. 77

19 .

Collection No.

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos.

Subject.

Criminals

Surrender of ----to Indian States.

Previous References.

Later References.

S. 97.— Green).

MFP—2158&P—(M-215)—2)-6-31—30,000

Circular No.4189 dated the 31st July 1861 from Under Secretary to Government of India to Commissioner of Coorg regarding surrender of criminals to Native States.

Circular

No 4459

From The Under Secretary of State
Government of India

To -

The Commissioners of Customs
Calcutta, Fort William the 31st July 1865.

Sir,

I am directed by the Governor
General in Council to request that
a copy of the letter noted in the mar-
gin of the Board may be furnished
to the Chamber of Commerce at
Calcutta for the information
of the Members thereof, regarding the new
rules of procedure to be observed in
regard to the claims of Custom-
ers with a copy of the letter
addressed to the Bengal Government
under this date.

I have the honor to be,
Sir,
Your most obedient Servant,

C Mullens

Under Secretary to the Government of India

to C Mullens Esq
dt 31st July 1865

Copy
C. S. 4188

From The Under Secretary to the
Government of Bombay
To The Secretary to Government
with Various Papers
Dated Fort William the 25th July 1821

Sir,

I am ordered by your letter and the enclosures
No 3 & 4 dated 2nd instant, reporting the steps
taken for procuring against Joga Chund &
Karan Chund, Hindoo subjects, recovery of
sums, I am directed by the Governor General
in Council to state that a copy of the letter
of the Officiating Commissioner of Ahmednuggur
No 16, dated the 8th Ultimo, and of the decision
on the bond, have been sent to the Resident at
Satara for information and communication
to the Durbar.

2 The Lieutenant Governor observes that
as the Satara Government have no power
against the persons mentioned in the 1st para
of the act cancelling which the recovery is
to be taken to that available within the Shares
of the East India Company.

3 There is no doubt that such is
the interpretation of the words quoted by the
Lieutenant

Lieutenant Governor Colt. Jam directed to observe that it appears to be only just that Georgia Government to demand that the prisoners of offenders should have an opportunity of making any evidence which they may claim to advance, available to the Court before which such offenders are brought. His Excellency in Council therefore requests that no further notice of the time and place of the inquiry may be given to Georgia Government in making such demands.

I have &c

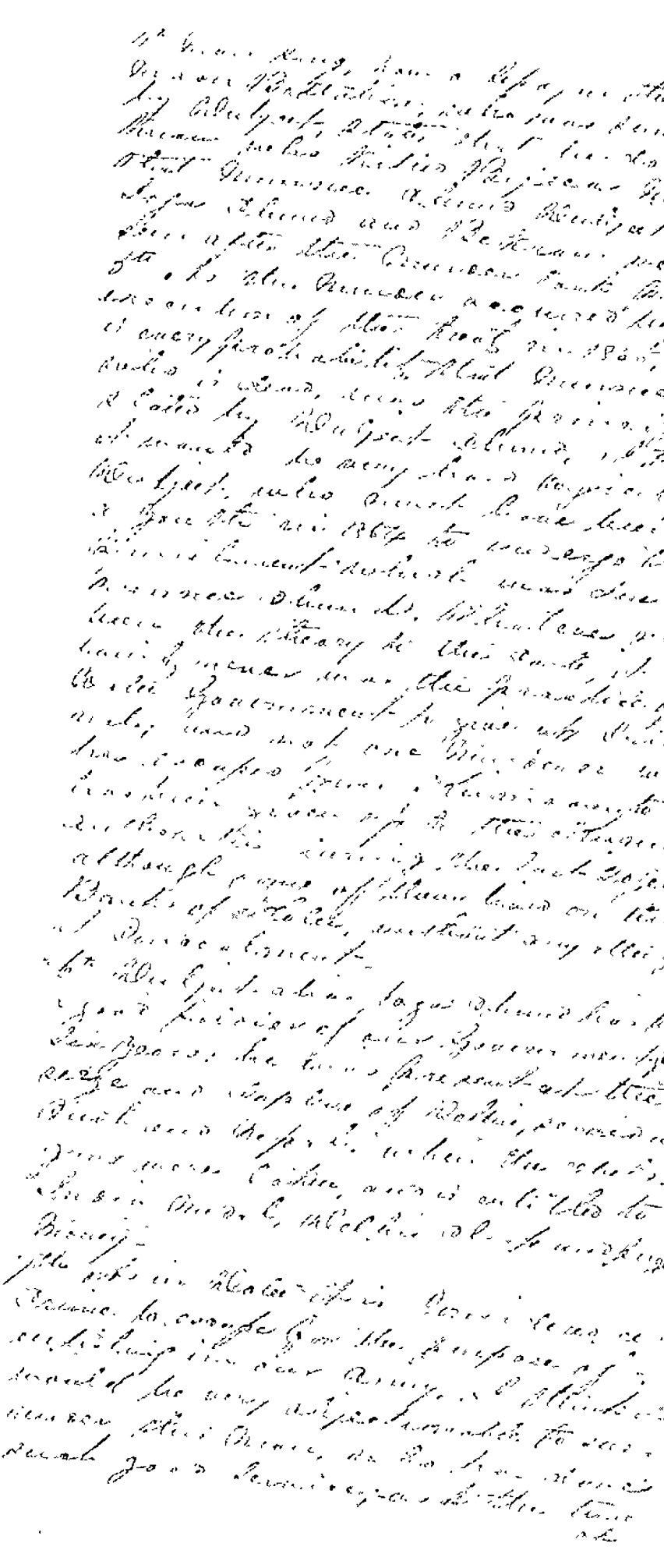
(sgd) C. H. Robertson

Under Secy to the Govt of Ceylon

True Copy

Robertson

Under Secy to the Govt of Ceylon.



which Gov. required Government to release the Deputy Registrar on account of his great services, and because the Government would not surrender a Person, under pretended Civil Commitment.

2d In enacting this Recommendation, I am to intimate Your Excellency's Desire from this Province altogether Contrary to the Spirit of the Laws of Nations.

3d If Gov. will refer to my Letter Dec. 28th Current, the Militia Gov. will perceive that Gov. never directly or indirectly directed Orders and Laws Contrary, under Pretence of Act VII of 1864, and Gov. will then perceive especially called to Sections IV. VII and XIII of Militia Act.

4th As to Mr Cochran, to whom Gov. endeavoured the Consent of this Council, and Consulted the Provisions of Section VII, he wanted Some Persons that his Proposal to obtain a Writ of Capias, and Clerk which may have been done against the Prisoner in Dep. Registrar's Office without the Consent of the Council, after Breaking open Public Records, and all the Circumstances of the Case, as the Evidence obtainable by the Magistrate on Sworn of the Person with the Limitations under the Government of the Port Louis Province, would be made, the Evidence should be sufficient Warrant or Committal he shall Commit &c &c after Making such Enquiry the Circumstances shall not in the judgment of the Magistrate or Justice of the Peace be sufficient the warrant shall be the Committal or the holding to bail of the Prisoner, he shall be discharged."

Gov.

5th Where is anything in there very clear and unbiased - no calculation about obtaining attested Copies of said Evidence, or knowing the Defendants qualifications from forms stated as proposed by Dr Colonie, the Lord Proprietor, Innocence, or the present military, more altogether unnecessary, as not in pleadings of evidence laid at the time, seem obtained against the prisoner -

6th What is meant in pleading from the Arrest of the Magistrate of the district public the accused is apprehended is to make every exertion during the day and after hearing alone so, to commit the prisoner, or to release him, according as in his opinion there has been reasonable ground against him or not -

7th The Lieutenant Governor altogether declines to discuss, or even to regard the case from the political point of view in which the Counsel has put it, and can only distinctly understand, Nevertheless, that Jones are not to Quebec this letter finds a direction that the prisoner is to be released. Jones are merely referred, as they were referred before, to the Provisions of Statute VII of 1864, and directed to act upon them. The Power, placed in the hands of the Magistrate to accept bail or responsible, is a legal, under that statute, Remedy lodged in the Magistrate; and Jones will please to be released to Counsel Dr Colonie to make as public as Jones may think fit the Depositions taken by the Magistrate in the British territory will enable Jones to make, and the Commissioner, on release Subject-Clause, recommend as the evidence in our mind sufficient in his judgment, warrant his Committal -

8th

8th

In the event of the Governmental Commissioners of Indian Affairs under the Act VII of 1864, must act and regard to the Judicial proceedings of the Courts

I have the
(23) honor
to be
Sir
Your obt. Servt
J. D. Lawford
Secy. to the
Government of the North
Western Provinces

(Copy)
No 19
From J. Strachey Esqre.
Secy. to Commissioners of Inquiry Kumaon
Allahabad
To
Sir George Couper, Bart. C.B.
Secy. to the Government of the
North Western Provinces.

Sir,
With reference to your letter No.
96 dated 23 February 1865 Judicial Department, Commissioners desire to report that the case of the Kalpani Dakait Ahmad alias Jiga Ahmad, was recommended by the Deputy Collector under a charge of Dacoity and murder by the Kalpani Gang of Dacoits, and was committed by the Magistrate of the District, but was discharged by the Sessions Judge, on the ground that there was insufficient evidence to convict him.

The Commissioners are of opinion that there was sufficient evidence against the Prisoner, and that he should have been convicted under Section 396 of the Penal Code, and sentenced to transportation for life.

2d The Record of the Criminal Case Ahmad alias Bhagwan Ahmad, and the Records connected therewith are being forwarded to the Sessions Judge of Kumaon

No 4378, dated 28th September 1865
Forwarded to the Secretary to the Government of the North Western Provinces
and enclosures —
No 281 dated 7th October 1865
From the Secretary to the Government of the North Western Provinces
Judicial Dept.
Commissioners of Inquiry Kumaon

Government transfer from the Regimental Guard Act passed establishing Police Admiralty Registry Act and Boundaries Land and Sea Courts and Laws again —
Appointments

Commissioners Appointed
Vice Rules & Orders
June 1867

Chas. Darwin
Secty & Actuary
Offg. Commissioners

True Copy
Jas. D. Saunders
Offg. Master Secy. to the
Government of the North
Western Territories

Copy
The Government of Her Majesty Queen Victoria
Colonial Office Downing

Charge Summary

Attempt the prisoner has been convicted has made Trial, & there being sufficient to obtain any conviction against him upon which a Commission should be issued. The Power against the prisoner is limited to his own Confession. Must Prison two Witnesses and Must be made Confession the Place of the Crime, and the Nature thereof being evidence other amount of Proof given by the Colonists before any Commissioners established by this Commission.

Received by Mail this
the 11th Day of 1867

Chas. B. H. Calvin
Senior Assistant Commissioner

True Copy
Chas. B. H. Calvin
Senior Assistant Commissioner

True Copy
Chas. Darwin
Secty & Actuary
Offg. Commissioners

True Copy
Jas. D. Saunders
Offg. Master Secy. to the
Government of the North

True Copy

Alexander

Under Secretary to the Governor
General

Old Records.

File No. 78

19

Collection No.

Office of the Chief
Commissioner of Coorg
Bangalore.

Pros. Serial Nos.

Subject.

Criminal Court Procedure

Copies of final orders or judgment to the military department in cases in which military employees are convicted by a criminal court.

Previous References.

Later References.

(74)

S. 97.—Green).
MFP—2158&P—(M-246)—21-6-34—30,000.

Memo No.1639, dated the 3rd October 1871 from the Government of India, Home Department, fowarding a copy of letter No.1632, dated the 3rd October 1871.to Government of Punjab that whenever in a criminal case an officer or enlisted soldier or sepoy is sentenced by a criminal court a copy of the Court's final orders should be sent to the immediate superior of the person convicted.

1871. 75

From
The Secretary to the Government
of Madras P.D.

Dated 3rd October 1871

Received 11th

Registered 11th

No. 1639

Subject.

Forwarding copy of a letter to the Revd. Pro. Chr. Mission, that Assistant Surgeons in charge of Civil Stations are Officers subordinate to the Criminal Court of Session under Act XXV of 1861, and cannot be employed by Private Individuals

DEPARTMENT. File No.

BRANCH. Serial No.

Draft

Letter / Memorandum / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. Dated 19

To

To be issued on Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S. S.
[illegible]—81—15k(Genl)MFP—(M.1933)—3-5-34—50,000 Pads.

No. [illegible]

From

E. C. BAYLEY, Esq., C. S. I.,
Secretary to the Govt. of India.

To

THE SECRETARY TO THE GOVT. OF THE PUNJAB.

Home Dept.
Judicial.

SIMLA, *the* [illegible] *October* 1871.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1065, dated the 24th July last, with enclosures, and in reply to state that the proposal made by the Chief Court, *viz.*, that copies of the final orders passed by Criminal Courts in cases of persons serving in the Military Department need not be furnished to the Military Authorities, except on application, does not affect the object which the Government of India has in view.

2. In order to secure that object, it should be ruled that whenever in a criminal case an officer, or enlisted soldier, or sepoy, is sentenced by a Criminal Court to a fine of Rs. 200, or upwards, or to imprisonment otherwise than in default of paying a fine not amounting to Rs. 200, the Court should send a copy of its final order *proprio motu* to the immediate superior of the person convicted. The Chief Court itself and Political Courts should send copy of their final order in such cases to the Government of India in the Military Department.

I have the honor to be,

SIR,

Your most obedient Servant,

E. C. BAYLEY,

Secretary to the Govt. of India.

No. [illegible]

COPY, with copy of the letter to which it is a reply, forwarded to the [illegible] in continuation of No. [illegible]

of the 3rd June last.

E. C. Bayley

Secretary to the Govt. of India.

[illegible]

No. 1065, dated Lahore, the 24th July 1871.

From—C. M. Rivaz, Esq., Offg. Under Secretary to the Government of the Punjab, Judicial Department.

To—The Secretary to the Government of India, Home Department.

With reference to your No. 913A, dated the 3rd June last, forwarding copy of a letter of the Military Department, requesting that, in cases where persons serving under the Government of India in the Military Department are convicted in a Criminal Court, a copy of the judgment and sentence passed by the Court may be furnished to the Military Department, I am directed to forward copy of a letter from the Registrar of the Chief Court on this subject, together with copy of a circular which the Judges propose to issue.

2. I am to enquire whether the Military Department agree to the proposal of the Chief Court that a copy of the final order passed by a Criminal Court in such cases need not be furnished except on application from the Military Authorities, or whether it is intended that the convicting court should furnish a copy of its final order *proprio motu* without waiting for any such application, and further, if such be the intention of Government, whether a copy of the final order is to be furnished in all cases, however trivial, in which a person serving under the Military Department is punished by a Criminal Court, or only in cases where the conviction is for a serious offence.

No. 2273, dated the 7th July 1871.

From—J. A. E. Miller, Esq., Offg. Registrar Chief Court of the Punjab.

To—The Officiating Secretary to the Govt. of the Punjab.

With reference to your No. 831 of 15th June, forwarding for issue of the necessary instructions an order from the Government of India requesting that copies of final orders may be furnished to the Military Department in all cases in which military employés are convicted by a Criminal Court, I am directed to point out that in the case out of which the reference has arisen, the Chief Court could not have taken any action, as the Courts in the Bhawalpore State are not under its control.

2. It is not clear from the order whether it is necessary for the Criminal Courts to issue a copy of the final order to the military authorities in *every* case without exception. Many of the cases may be of trifling importance and may affect only a sepoy, or a cooly, or other menial employed in the Military Department. In such cases the Government in the Military Department would probably not require a copy.

3. It is proposed therefore to instruct the Criminal Courts to issue copies only when they are *applied for* by the military authorities. It is impossible for the Criminal Courts to judge whether a copy will be required by Government or not, and, where no application is made by the Military Department, it may be presumed that no copy is wanted.

4. A copy of the Circular is accordingly enclosed for the approval of the Hon'ble the Lieutenant-Governor before being issued.

Circular from—Offg. Under Secy. to the Govt. of the Punjab.

To—All Commissioners and Deputy Commissioners.

The attention of all Criminal Courts is directed to the annexed order of Government, requesting that, in all cases in which persons serving under the Government of India in the Military Department are convicted by a Criminal Court, a copy of the final orders, *i. e.*, the judgment and sentence, may be furnished to the Military Department.

2. As it will rarely happen that a military employé is brought before a Criminal Court without the knowledge of his departmental superiors, an application for a copy will usually be made by the military authorities, and the copy should always be furnished on such application free of charge.

3. As the copy of the order is required to guide the Government in dealing further with the case, it is probable that copies will be applied for only in cases that require the orders of Government in the Military Department. In the case of menial servants and others permanently or temporarily attached to the army and under the control of the local military authorities, copies of orders will not ordinarily be required, as these cases may not need to be referred to by Government.

4. In all cases therefore a copy need only be issued when *applied for* by the military authorities.

No.

Copy forwarded to the Military Department, with reference to endorsement No. 445, dated the 18th May last, for expression of opinion.

By Order of the Governor General of India in Council,

HOME DEPARTMENT,
JUDICIAL;
Simla, the August 1871.

Under Secy. to the Govt. of India.

Old Records.

File No. 80 of O.R.

Collection No.

19 .

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos.

Subject.

Currency and Coinage

Complaints from the Coorg Planters Association regarding defective coins - Measure to prevent further issue and circulation of unsound -----.

Previous References.

Later References.

(76)

S. 97.— Green).

MFP—215S&P—(31-245)—21-6-31—30,000.

Proceedings of Chief Commissioner of Coorg No.567/75, dated the 18th January 1876 on the subject of defective coins in circulation in Coorg and on complaints from Coorg Planters' Association that a large number of unsound rupees are issued from the treasuries in Coorg - precautions to be taken.

Proceedings of the Chief Commissioner of Coorg, Financial Department, 18th January 1876.

From the Comptroller General, Calcutta To the Chief Commissioner of Coorg, No. 4648, dated Calcutta, the 4th November 1875.

I have the honor to forward a copy of a letter from the President of the Coorg Planters' Association representing that great inconvenience and considerable loss are sustained by planters and their employés from the issue by the Coorg Treasuries of large numbers of unsound rupees and asking for a prevention of the evil.

2. I have the honor to remark that if any coin of imperfect mintage should have found its way into Government Treasuries in Coorg, it is desirable that such coin should be detained and returned to the mint which will doubtless supply good coin in place of any of defective workmanship which may have inadvertently been allowed to pass into circulation.

From the President of the Coorg Planters' Association, To R. W. LODWICK, Esq., B. C. S. Accountant General of Madras, dated Mercara, 27th September 1875.

Pursuant to a resolution of the Coorg Planters' Association passed at a general meeting held on the 15th instant, I have the honor to draw your attention to the great inconvenience and considerable loss sustained by the planters of Coorg and their employés owing to the large number of unsound rupees issued by the different Government Treasuries in this Province, and to request that you will be good enough to issue instructions that increased precaution be taken at the mint to prevent a further issue of the coins complained of.

From the Offg. Secretary to the Chief Commissioner of Coorg, To the Superintendent of Coorg, Genl. No. 462—45, dated Bangalore, 16th November 1875.

Forwards copies of letters No. 4648, dated 4th instant, from the Comptroller General, Calcutta, and that dated 27th September last from the President, Coorg Planters' Association, regarding the inconvenience and loss sustained by the issue from the Coorg Treasuries of large numbers of unsound rupees, and requests to be informed whether any similar complaint has been made to him by the coffee planters resident in Coorg, and if so, with what result.

The subject should be investigated, and a statement furnished of the number of counterfeit or deficient coins which have been received at the Treasuries. It should be further ascertained whether such coins have been issued from the Government Treasuries.

From the Superintendent of Coorg, To the Offg. Secretary to the Chief Commissioner of Coorg, General Department, No. 301—191, dated 30th December 1875.

With reference to your docket dated 16th November 1875, No. 462—45, calling for report regarding unsound rupees being issued from the Treasury, I have the honor to inform you that complaints were made regarding the cracked rupees in 1872 and the Treasury Officer was, under instructions conveyed in letter dated 10th December 1872, No. 4534, from the Comptroller General to this office, directed to receive cracked rupees unquestionably genuine and of proper weight; he was further ordered not to re-issue them, but to class them under uncurrent coins in the cash balance report and keep separately in the Treasury. These instructions have been carried out and there were Rs. 2,180 uncurrent in the Treasury on 30th November 1875.

With regard to the complaint made by the President of the Coorg Planters' Association to the address of the Accountant General, Madras, copy of which was received under cover of your docket above quoted, I have the honor to submit the enclosed copies of correspondence as per margin and to state that on personally examining 4 bags containing Rs. 2,000, nineteen rupees or about one per cent have been found, in which there is a dull sound or want of clearness in ring; the native bankers (Sahukars) say they never object to such rupees, but the coolies on the plantation will not receive them. These rupees have no apparent outward defect, nor are they deficient in weight, and I do not think the Officer in charge of Treasury would be justified in classing them as uncurrent coins without special instructions.

*1 Letter dated 24th Nov. 1875, No. 281, from the Officer in charge of Treasury, to the Superintendent of Coorg.
1 Do do 13th Dec. 1875, No. 567—352, to the President of the Coorg Planters' Association, from do
1 Do do 18th do do from do do to do

Proceedings of the Chief Commissioner of Coorg, Financial Department, 18th January 1876.

From the Officer in charge of Treasury, Coorg, To the Superintendent of Coorg, No. 281, dated Mercara, 24th November 1875.

Adverting to the enclosed letter from the Secretary regarding the issue of unsound rupees from the Coorg Treasuries forwarded to me for report, I have the honor to state that several planters on more than one occasion have complained to me of this fact; I have no reason to blame any of the Government Treasuries in Coorg, particularly Sadar Treasury, as all the unsound rupees that find their way into them are kept separate in the Sadar Treasury and never given circulation. It is likely that the planters receive such rupees from the sahukars with whom they cash their cheques.

2. The number of unsound rupees shewn in the cash balance report as "Uncurrent coin" amount to Rs. 2,160 up to date. These coins will be sent to the Madras Mint as directed by the Comptroller General in his letter to the Chief Commissioner dated 4th November 1875, No. 4648. I solicit your instructions as to the way of remitting them and the name of the Officer in charge of the Mint.

From the Superintendent of Coorg, To the President, Coorg Planters' Association, Mercara, No. 567—359, dated 13th December 1875.

With reference to your letter dated 27th September 1875, addressed to the Accountant General, Madras, regarding inconvenience and loss sustained by planters owing to the large number of unsound rupees issued by the different Government Treasuries in the Province, I have the honor to request that you will be so good as to state from what Treasuries and on what occasions the unsound rupees were obtained.

2. I would also esteem it a favor if you would inform me whether complaint was made or objection raised in any of the cases.

3. An extract from a letter to my address from the Officer in charge of the Mercara Treasury, dated 24th November 1875, No. 281, on the subject, is annexed for information.

"Adverting to the enclosed letter from the Secretary regarding the issue of unsound rupees from the "Coorg Treasuries forwarded to me for report, I have the honor to state that several planters on more "than one occasion have complained to me of this fact. I have no reason to blame any of the Govern- "ment Treasuries in Coorg, particularly Sadar Treasury, as all the unsound rupees that find their way "into them are kept separate in the Sadar Treasury and never given circulation. It is likely that the "planters receive such rupees from the sahukars with whom they cash their cheques."

From the President, Coorg Planters' Association, To the Superintendent of Coorg, dated Mercara, 18th December 1875.

In reply to your favor of the 13th instant, allow me to state that the times I myself have received defective rupees from the Sadar Treasury are numberless, but neither myself nor others were likely to, or probably, have taken notes thereof; you will I hope take our word that it has been so.

You will remember my having brought the matter before you in person very long ago.

That—though the weight is seen to the imperfection, and therefore loss to coolies on changing, of thousands which pass through the Treasuries is not observed, may, I imagine, be easily proved if you will be so good as to cause a few bags of rupees, taken from different places, to be tested in your own or your subordinate's presence.

No. 567—Fin. 75, dated Bangalore, 18th January 1876.

Order.—The Superintendent reports that as regards defective coins, measures have been taken to withdraw such from circulation, and that "uncurrent" coin to the amount of Rs. 2,180 has been retained in the Treasury. With regard to the coins which are described by the Officiating Superintendent as so far deficient in ring that they are not universally current, it will be desirable that a report on the subject should be submitted to the Comptroller General of Accounts, and some specimens sent to the Madras Mint, for examination.

Proceedings of the Chief Commissioner of Coorg, Financial Department,
18th January 1876.

2. Adverting to the complaints made by the President of the Coorg Planters' Association, the Offg. Chief Commissioner considers that all persons going to the Treasury to receive money should be cautioned to take no coins which are at all unsound. Where the sums are large in amount, they should be issued in sealed bags. The President of the Coorg Planters' Association should be informed of the precautions adopted.

For Offg. Secretary.

To—The Superintendent of Coorg.

Coorg Dept

No: 56

1876.

ADMINISTRATION OF COORG:

FINANCIAL.

To

THE SUPERINTENDENT OF COORG.

Dated January 18th.

Despatched # 24th

Received

No. 507.
Fml. 75.

Enclosures No.

Requests that a report on the subject of defective coins in circulation in Coorg should be made to the Comptroller General of Accounts and some specimens sent to the Madras Mint for examination.

1876.

COORG DEPT. REGR. NO

To

The

Dated, Bangalore, 15th January

Despatched 24th "

Enclosures No.

General No. 56 / No. 75 } 1876-7 6

3 Encls.

Rec'd 30th

18-1-76

Regret the Commr
in the Subject of depu
Coorg should be sub
by the Comptroller Ge
of Accounts and Ex
Officiating Chief Co
Madras Circle for
Accounts Service

Old Records.

File No. 81

19 .

Collection No.

Office of the Chief
Commissioner of Coorg
Bangalore.

Pros. Serial Nos.

Subject.

Daily Allowance

Definition of the term 'Day' for the purpose of calculating the ---for short journeys from headquarters.

Previous References.

Later References.

(71)

S. 07.—Green).
MFP—215SA P—(M-245)—27-6-34—50,000.

Government of India, Department of Finance and Commerce resolution No.1285, dated the 29th May 1884 altering the definition of the term 'Day' (24 consecutive hours) to a calender 'Day' begining and ending at midnight with a proviso to prevent an officer from drawing two days' allowance for short journeys from headquarters.

No. 1285.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

PAY AND ALLOWANCES.
Travelling Allowance.
Rule.

RESOLUTION.

Simla, the 29th May 1884.

READ again Pay and Allowance Proceedings for January 1884, Nos. 14 to 22, containing the following references:—

(1) Endorsement from the Accountant General, Public Works Department, No. 735E., dated the 5th December 1883, with enclosures, received in that Department, regarding the definition of "day" as given in Section 3 (4) of the Civil Travelling Allowance Code, and its application to Section 31, Exception 2.

(2) Letter from the Director General of the Post Office of India, No. 143, dated the 20th November 1883, with enclosures, stating the facts of an officer's journeys by road and halts at certain stations, and pointing out difficulties in the application of the term "day" to his case in connection with Rule 2 under Section 31.

(3) Letter from the Accountant General, Madras, No. 3709, dated the 9th November 1883, stating the practice followed in his office, and requesting instructions as to the interpretation to be placed on the term "day" as defined in the Code.

(4) Letter to all Accountants General and Comptrollers, No. 657, dated the 31st January 1884, inviting their opinion on the desirability of defining a "day" for the purposes of the Travelling Allowance Code to be the calendar day, commencing and ending at midnight, with a proviso to prevent excessive claims for short absences from head-quarters for two or three days.

Read also the following replies containing the remarks of the officers consulted on the subject:—

(1) Letter from Accountant General, Bengal, No. 11795., dated 16th February 1884.

(2) Letter from Accountant General, North-Western Provinces, No. 437, dated 9th April 1884.

(3) Letter from Accountant General, Punjab, No. 1841G.A., dated 9th February 1884.

(4) Letter from Comptroller, Assam, No. 13-8530, dated 13th February 1884.

(5) Letter from Accountant General, Bombay, No. 21015G.A., dated 28th February 1884.

(6) Letter from Accountant General, Madras, No. 710, dated 5th March 1884.

(7) Letter from Comptroller, British Burma, No. 1753T.A., dated 27th March 1884.

(8) Letter from Comptroller, Hyderabad, No. 11124-37, dated 14th March 1884.

(9) Letter from Comptroller of Indian Treasuries, No. 69T., dated 9th April 1884.

(10) Letter from Comptroller, Central Provinces, No. 4637T., dated 15th February 1884.

RESOLUTION.—The application of the definition of a "day" as 24 consecutive hours having been found to give rise to inconvenience, the Governor General in Council, after consideration of the remarks made by the several Accountants

General who were consulted on the subject, has decided that the definition of the term "day" given in Section 3 (*b*) of the Civil Travelling Allowance Code should be altered as shown below :—

"Day" means a calendar day beginning and ending at midnight : provided that this definition shall not entitle an officer to draw daily allowance for two days if his total absence from head-quarters is less than 24 hours."

ORDER.—Ordered, that this Resolution be communicated to the other Departments of the Government of India, the several Local Governments and Administrations, the Heads of Departments under this Department, the Comptroller and Auditor General, and to all Accountants General and Comptrollers for information and guidance.

Offg. Under-Secy. to the Govt. of India.

Old Records.
File No. 82

Collection No. 3

19

Office of the Chief
Commissioner of Coorg
Bangalore.

Pros. Serial Nos. 1-

Subject.

Delegation of powers
----to the Chief Commissioners of Oudh, Central Provinces and British Burma in respect of the appointment of Inspector General under the Police Act 1861.

Previous References.

Later References.

(78)

S. 97.—Cress).
MFP—2165&P—(M-245)—21-6-34—30,000.

Government of India's notification No.103 dated the 3rd March 1868 regarding delegation of powers to Chief Commissioners of Oudh, the Central Provinces and British Burmah, the powers of a local Government under the terms of Act V of 1861.

No. 103

Notification

Fort William
Home Department
The 3d. March
1868.

Police.

Notification No. 5077 dated the 2d. October 1867 published in the Gazette of India of the 5th idem, is cancelled, and the following substituted for it.

Under the provisions of Act XXXIII of 1867, the Governor General in Council is pleased to delegate to the Chief Commissioner of Oude, the Central Provinces, and British Burmah, the powers of a local Government under the terms of Act V of 1861, with the exception of Section 6 of the said Act, in respect of which the powers hereby conferred on the said Commissioners is restricted, as respects the appointment of Inspector General only, to the nomination of that officer, which will be subject to the approval of the Governor General in Council.

(Sd) E. C. Bayley.
Secy: to the Govt of India.

No. 104

Copy forwarded to the Commissioner of Coorg, with reference to Endorsement from this Department No. 5081 dated the 2d October last and with an intimation that as the

is not a Chief Commissioner, the powers referred to cannot be conferred on him under Act 37 of 1869, and that his name was included in the Notification of 9th October by mistake.

By order

Arthur Howell

Under Secy: to the Govt of India.

Copy sent

1865.

From The Undersecretary of State
To Govt. of Burma
Home Dept.
Govt. of India

Dated 3rd Nov. 1865
Despatched
Received 17th Nov. 1865

Enclosures No.

General No. 1014 } 1867-68
No.

With reference to Home Dept. Govt. Resolution No. 5081 dated 2nd Oct. last, forwarding for copy & information No. 1038 dated 31st August 1865, delegating to the Chief Commissioners of Oudh, Central Provinces, Assam, Coorg & Andaman Islands, the powers of a Local Govt. under the terms of Act V of 1841, and Superintendence Act XXXII of 1867; and intimating that the Commissioner of Coorg is not a Chief Commissioner. The powers referred to cannot be conferred on him.

No. 3414 dated 21-3-68 H.S.

Old Records.
File No. 83

Collection No.

19 .

Office of the Chief
Commissioner of Coorg
Bangalore.

Pros. Serial Nos. 1-

Subject.

Deputation

Report to the Secretary of State regarding the deputation of officers to England on special duty.

Previous References.

Later References.

19

S. 67.—Green).
MFP—216S&P—(M-245)—21-6-34—30,000.

Government of India, Department of Finance and Commerce resolution No.477, dated the 30th April 1885 forwarding an extract from a despatch from the Secretary of State that the deputation of officers to England on special duty should be reported to him.

No. 477.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

LEAVE AND LEAVE ALLOWANCES.

Simla, the 30th April 1885.

Extract paragraph 3 from a Despatch from Her Majesty's Secretary of State for India, to the Government of India,—No. 6 (Public Works), dated 5th March 1885.

* * * * *

PARA 3. * * * * It is desirable that when an officer is allowed to come home on duty, the circumstances should be reported simultaneously with or before his departure, and I request that Your Excellency will give directions for requiring this course to be followed in future.

COPY of the foregoing forwarded to all Local Governments and Administrations and to all Departments* of the Government of India for information and guidance.

* Except the Public Works Department.

By order,

J. E. O'Conor

Asst. Secy. to the Govt. of India.

Old Records.

File No. 84

Collection No.

19 .

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos.

Subject.

Designs and Estimates

P.W.Department Officers allowed to compete for prizes offered by the Municipal Commission, Bombay for the most approved ----for a new Municipal Hall and Office.

Previous References.

Later References.

S. 97.—Green).

MFP—2155&P—(M-245)—21-6-34—30,000

Table of contents. P.84 of O.H.

Government of India, Public Works Department endorsement No.981,G- dated the 20th August 1884 - Public Works Department Officers allowed to compete for the prizes offered by the Municipal Commissioner Bombay for the most approved designs and estimates for a new Municipal Hall and Offices.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

To

THE SECRETARY TO THE GOVERNMENT OF
BOMBAY, PUBLIC WORKS DEPARTMENT.

No. 981G.

Dated Simla, August 20, 1884.

Received

Communicates sanction to officers in the Service of Government, in the Public Works Department, being allowed to compete for the prizes offered by the Municipal Commissioner Bombay for the most approved designs and estimates for a new Municipal Hall and offices.

Govt. C. B. Press, Simla.—No. 151 P. W. D.—21-8-84.—1,535.

22 E/ [illegible]

Regd No. 846

8 3/9/84

No. 981G.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
PUBLIC WORKS DEPARTMENT.

Dated Simla, August 20, 1884.

SIR,

In reply to your letter No. 241-E.—970 of 19th July, I am directed to communicate sanction to officers in the service of Government in the Public Works Department, being allowed to compete for the prizes offered by the Municipal Commissioner, Bombay, for the most approved designs and estimates for a new Municipal Hall and offices to be erected on the Esplanade, Bombay.

2. I am to add that the Government of India recognises a difference between this case and that of individual officers who are precluded from receiving remuneration for services rendered to Local Bodies.

This sanction will be communicated to all Local Governments, &c., as requested.

I have the honor to be,

SIR,

Your most obedient Servant,

W. S. TREVOR, Col., R.E,

Secretary to the Govt. of India.

Copy, together with copy of letter and enclosure to which it is a reply forwarded to the local Governments, &c., marginally noted for information and communication to officers serving under them.

The Governments of Madras, Bengal, North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident, Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

By order,

[signature]

Under-Secretary to the Govt. of India.

To
The Chief Commissioner of
Coorg

No. 211-E.—970, dated 19th July 1884.

From—The Secretary to the Government of Bombay, Public Works Department.

To—The Secretary to the Government of India, Public Works Department.

I am directed to forward the enclosed advertisement by the Municipal Commissioner, Bombay, offering premia for the three most approved designs and estimates for a new Municipal Hall and offices to be erected on the Esplanade, Bombay, and at the request of the Municipality, I am to solicit the sanction of the Government of India to officers in the service of Government being allowed to compete on the same terms as others, seeing that the architectural profession in India is in so great a degree absorbed by the public service.

2. In the event of the Government of India seeing no objection to the proposal, I am to request that their sanction, if accorded, may be communicated to all Local Governments and Administrations and Heads of Departments under the Government of India for circulation.

3. It would seem necessary to state definitely that an officer competing successfully would be allowed to receive the prize awarded to his design.

Notice to Architects.

The Municipal Commissioner of Bombay is prepared to receive Designs and Estimates for a New Municipal Hall and offices which must be sent in to his office on or before 12 o'clock noon on the 6th day of November next.

A premium of five thousand rupees will be given to the design most approved by the Commissioner with the assistance of a Committee of the Corporation. Three thousand rupees for the second, and two thousand rupees for the third. But the Municipal Commissioner will not bind himself to pay any or either of the premia until he has satisfied himself that the estimates are at least approximately accurate, and no prize will be awarded for a design unless it fairly fulfils the conditions laid down and is of recognised artistic merit.

The total cost of the building is not to exceed five lakhs (Rs. 5,00,000) distributed approximately as follows: four lakhs for the offices, and one lakh for the Municipal Hall.

The designs to include general drawings, plans, elevations and sections accompanied by a specification and an estimate based upon the Schedule of Rates.

Designs to be sent to the Commissioner under a *nom de plume* or motto, accompanied by a sealed letter, disclosing the name of the competitor.

Full information will be furnished on payment of Rs. 10 or £1 on application at the Office of the Municipal Commissioner, Bombay, or at Messrs. G. W. and R. Oliver, 1, Colbet Court, Gracechurch Street, London.

The Municipal Commissioner does not bind himself to employ the architect whose design is adopted to supply working and detailed drawings or to superintend the carrying out of the work, but in the event of his so doing the usual fees sanctioned by the Institute of British Architects will be paid.

Municipal Commissioner's Office,
Bombay;
The 14th July 1881.

E. C. K. OLLIVANT,
Municipal Commissioner.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

To

THE SECRETARY TO THE GOVERNMENT OF
BOMBAY, PUBLIC WORKS DEPARTMENT.

No. 981G.

Dated Simla, August 20, 1884.

Received

Communicates sanction to officers in the Service of Government, in the Public Works Department, being allowed to compete for the prizes offered by the Municipal Commissioner Bombay for the most approved designs and estimates for a new Municipal Hall and offices.

Govt. C. P. Press, Simla.—No. 151 P. W. D.—21-8-84.—1,535.

No. 981G.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
PUBLIC WORKS DEPARTMENT.

Dated Simla, August 20, 1884.

SIR,

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This sanction will be communicated to all Local Governments, &c., as requested.

I have the honor to be,
SIR,
Your most obedient Servant,

W. S. TREVOR, Col., R.E,
Secretary to the Govt. of India.

Copy, together with copy of letter and enclosure to which it is a reply forwarded to the local Governments, &c., marginally noted for information and communication to officers serving under them.

The Governments of Madras, Bengal, North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident, Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department
The Inspector General of Military Works
The Director General of Railways
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

By order,

A. B. SAMPSON,
Under-Secretary to the Govt. of India.

Old Records.

File No. 85

19 .

Collection No.

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos. 1-

Subject.

Destruction of Records.

Rules for regulating the practice of the Criminal Courts in regard to the -------.

Previous References.

Later References.

S. 97.—Green).

MFP—215SA P—(M-245)—21-6-34—30,000

661
81

Bangalore
1st June 1877.

From

J. C. Bramfield Esqre,
Judicial Commissioner
of Mysore
& Coorg

To

The Secretary to the
Chief Commissioner,
of Mysore
and Coorg

Sir

I have the honor to acknowledge the receipt of No 1577 of the 21st instant, forwarding copy of a letter from the Government of India together with the debates on the "Contempt of Courts Bill", and requesting me to submit Rules applicable to Judicial Courts.

2. In reply I would observe that the Act is not in force in Mysore.

3. I beg leave to forward herewith copies of the Rules of practice & Civil, and & Criminal Courts enclosed which have been framed by my Court, and to state that they sufficiently, in my opinion, provide

provided for the service marked, in the Letter from the Government of India.

4. The Rules, it will be observed, do not allow of the introduction of documents filed by the Appellants, in support.

5. As the act is an Act of Council I would recommend the Rules being confirmed and sanctioned under Section 8 of the Act in regard to [illegible] the headings of the many paragraphs mostly of the Rules, which refer to the Codes of Civil and Criminal Procedure respectively, to the authority for their issue being doubtful.

I have the honor to be
Sir
Your most obedient servant
[illegible]
Secretial Commissioner

1911.

IN THE COURT OF THE JUDICIAL COMMISSIONER OF MYSORE.

Criminal Side.

Dated the 28th May 1878.

Rule of Practice No—3.

Under section 202 of the Code of Criminal Procedure, and with the concurrence of the Chief Commissioner, the Judicial Commissioner has framed and issues the following rules for regulating the practice of the Criminal Courts in regard to the destruction of records.

Courts of Session.

1. The Judgment or final order being preserved, all other papers in the records of cases tried by the Court of Session and by Deputy Commissioners exercising enlarged powers under section 36 of the Code of Criminal Procedure will be destroyed after 14 years from the date of decision, with the exception of—

(1) Cases in which the sentence has not expired.

(2) Cases in which any of the persons accused has not been brought to trial.

2. The Judgment or final order being preserved, all other papers in the record of appeals in the Court of Session will be destroyed after the expiration of one year from the date of decision.

Courts of Magistrates.

3. The Judgment or final order being preserved, all other papers in the records of "Warrant" cases tried by Magistrates, and the records of inquiries before Magistrates into cases triable by the Court of Session will be destroyed after 5 years from the date of decision, with the exception of cases in which any of the accused persons has not been brought to trial.

4. The Judgment or final order being preserved, all other papers in "summons" cases tried by the Magistrates, and of appeals from convictions by subordinate Magistrates, will be destroyed after one year from the date of decision.

5. Cases preserved on account of the failure to bring to trial any of the accused persons will be destroyed after 20 years.

6. The Sessions Judge and the Magistrate will, at their discretion, direct the preservation of the record of any trial of historical or legal interest.

7. The records of every Criminal Court will be annually examined in order to insure compliance with this order, and a certificate to this effect will be made in the annual Report.

8. The records to be destroyed will either be burnt under the superintendence of a responsible officer, or torn up and made over to the officer in charge of the Jail for the use of the paper manufactory, where such exists.

J. D. SANDFORD,
Judicial Commissioner.

J. R.

0.12
6

187 4.

From The Jud. Commissioner of Oudh

To Secretary to Chief Commissioner, General Department.

Dated 26th January 1874

Despatched 28th —

Received 29th —

ENCLOSURES NO. 2

General No. 661 } 187 —7
No. 81

The rules are continued by sec 6 of the Act & cease with the 55 th

The introduction of the Act to Mysore may be applied for —

The matter of making rules for destruction of Rev Records was with the Revenue Secy.

[illegible] 26/1

Coorg Office. Are there any rules or practice in force in Coorg respecting the destruction of Revenue Records?

[illegible] 27/1

There is nothing on Records to show that there was any Rule in Coorg under above reference —
GK
1-7-74

To the Supt Coorg.

Forwards copies of letter No 8/557 d 6 May 1873 from the Secy G of I. Home Dept with enclosures & requests the Supt to send on any rules or practice in force in Coorg for the destruction of Revenue Records with draft rules to be framed under this act [illegible] 27/1

After some negotiation in Rev Dept if rules for Mysore are modified & [illegible]

Letter No.661/81, dated the 26th May 1879, from the Judicial Commissioner of Coorg to Chief Commissioner of Coorg stating that the destruction of Records Act is not in force in Mysore and forwarding copies of the Rule of practice No.1 Civil and No.3 Criminal.

Old Records.
File No. 89

3
Collection No.

19 .

Office of the Chief
Commissioner of Coorg
Bangalore.

Pros. Serial Nos.

Subject.

Diary

Submission of a separate ---by the Superintendent of Coorg considered unnecessary.

Previous References.

Later References.

S. 97.—Green).
MFP—216S&P—(M-245)—21-6-34—30,000.

Table of contents. P.89 of U.H.

Submission of a separate diary by the Superintendent of Coorg considered unnecessary.

Old Records.

File No. 90

Collection No.

19 .

Office of the Chief

Commissioner of Coorg

Bangalore.

Pros. Serial Nos. 1-

Subject.

District Funds

Accounts of the expenditure incurred by the P.W.Department from the ---of Coorg during 1876-77.

Debiting -----with 20 per cent of the outlay on works as the proportion of the cost of Establishment employed by them.

Previous References.

Later References.

S. 87.—Cress).

MFP—2165&P—(M-245)—21-6-34—30,000

Table of contents. P.90 of O.R.

Accounts of the expenditure incurred by the Public Works Department from the District Fund of Coorg for 1876-77.

No 3193 of 1877

Mysore Public Works Department
Central Office of Accounts
Bangalore 13th July 1877

From

The Examiner P.W. Accounts
Mysore and Coorg

To

The Secretary to the Chief
Commissioner Mysore Department

Sir,

I have the honor to submit herewith the Accounts of the expenditure incurred by the P.W. Department from the Electric Funds of Coorg placed at their disposal during the year 1876-77.

Check — The amount originally entered in the P.W.D. Combined Budget Estimate was Rs 6000 was subsequently increased (vide para I) for details of the Rs 57603

Charges — Of this Amount Rs 31203 were expended as follows.

Original Works — Final amount Rs 16505
Establishment Rs 13276.

Working Charges entered in the original Electric Funds Budget which were transferred now to the Ex: Engineer all of which it may be here remarked were new works viz: the bases given being insufficient to allow the Canal from Lambavadi to Somwarpet were completed & finished in this the first financial Estimates.

On 4 no expenditure was incurred viz:

No	Name of work	Grant for Work Road budget	Paid to Grant	Remarks
1	Transfrm Vengapuzha to Mekkad	1600	1100	Abandoned as impracticable
2	— — from Mekkad to Bagamandala	1000	1000	
3	— — Gonicoppal to Siddapur	1000	1000	Portion road waiting embkg & Culverts
4	do conjt Bank at Siddapur	500	— —	

And on the 5 works the Annually Recurring Road there was been a Expend of Rs 1502 on the 5 mile from 1 to 7630.

In Adal Circle & the other 12 works were in the course of the year entrusted to the Exe: Engineer for execution. Eight Bandicoot Road works, of which two were completed viz the Kuttur & Srimangapet Road and the remaining part of the Srimangapet Siddapur road. The latter at a cost of 3744 Rupees against a grant of 3500 the excess being duly passed by Local Administration.

On 2 the Grant was only partly obliged viz:

Name of work	Grant	outlay	Expenditure and Remarks of Exe: Engr
1. Causeway to Alvarad	3000	2346	
2. Opening & the existing tracks of Road from Mercara to Bhagamandala	2998	1975	Excess due to carriage for Hill villages
3. Tracing road from Siddapur to Tellamalli	1500	45	Work delayed by Cattle & Coolies
4. Tracing Alignment on Madikeri Srimangapet road	1000	500	Work reported as in hand progress & depending the measurements.
On 2 these was no outlay			
1. Road from Srimangapet to Circle	1500	-	Sanctioned late & Cattle & Coolies
2. Conty: Annually Recurring road	6000	-	Sanctioned late in & and at a time when available Labour was for the Railway

Rs 1484 were spent out of a grant of Rs 1500 on the Travancore Serinigal road, the sanctioned Estimate Rs 11507 being now nearly worked up to (expenditure 11234) ——

Rs 500 expended from Civil Funds in a previous year on this Revenue of the Company's Salt depot were this year under orders of the Ch: Comm: written off & empowered.

Repairs —— Expenditure on this head amounted to Rs 1869 showing a saving on the grant of Rs 1350. Grant in Civil & Marine Funds to be made

	Imperial Grant	Funded Grant	Outlay
Repg Approaches & Revetments Ghaut	5700	7467	7336
—— do —— do Compound —— do	300	300	300

In this Revenue year Rs 1273 had been granted from Civil Funds for Establishment — Grant Rs 2940 outlay 2106

Excess due probably to Travelling allowances

The employment of a Clerk in the P.W.D. Secy's Office at Rs 25 was sanctioned by G of India towards the close of last year, his pay being debited equally between Civil & Mint Funds Budget estimate

It was also noticed that the percentage of Establishments only to actuals 15 per cent, whereas in the Imperial note the percentage is more about 30: this was referred for consideration that a larger proportion of the expense of the Establishment should in future be borne by Mint Funds to which moreover nothing further than the money of the Clerks pay above mentioned is debited either on account of Establishments or Contingencies.

I have the honor to
signed W. G. Bayley Capt R.E
Superintending Engineer

My Lord Public Works Deputy
Central Office of Works
12 Augusta 13th July 1877.

No. 319 of 1877.

Copy Forwarded to the
Secretary Public Works Dept. for information

A. Begbie
Capt. R.E.

To
The Hon. R. H. Pemberton
Victoria B.C.

1
261

No: 3195

From

The Commissioners
of Works

To

The Secretary to
Works department

Dated
Recd } 13th July 1877

Subject.
Copy of
Sir Thomas Deane's Plans
Accounts &c connected with
from the year 1870. 77.

Brought forward	1616
78 Launders @ 20 each	40
Peons @ 7 each	14
Total Rs:	1670 "

Total audited amount for the year ——— 18096 ——

B/forward.	150.
Total Rs:	150.

Total audited amount for the year ——— 1617 "

Add Remuneration pay for a clerk in the Mr Mackay's office ——— 46 4 3

1663 4 7

Contract work during the year 1877.

Imperial

Original works	65617
Repairs	40823
Tools & Plant.	634
Total.	107074

District Funds

Original works	18276
Repairs	9636
Tools & Plant.	285
Total.	28197

B.W. ACCTS CONTROL

Carried forward 1616

To Laundries
@ 20 each 40 .

Peons @ 7 each 14 .

Total Rs: 1670 "

Brought forward. 150

Total Rs: 150 .

Total audited amount for the year ——— 18,096 —

Total audited amount for the year —— 1617

Add the monies I pay for a clerk in the Water Office —— 46 4 3

1663 4 7

Contingencies & works during the year 1917.

Imperial

Original works — 65,617 —

Repairs — 40,823 —

Tools & Plant. 634 —

Total 107074 —

District Funds

Original works 18,276 —

Repairs — 9636 —

Tools & Plant 285 —

Total 28197 —

P.W.A. COS CONTROL

Sanctioned strength of Imperial & District Fund
Establishment & Cost of ~~Charges~~ Pore

No. Details. Pay No. Details Pay

Imperial

1	Sp. Supt. 4th Grade	350
	Upper subordinates	
1	Overseer 1st grade	
	85 + 45 + 25 for 8 months	155 . .
1	do — 85 + 25 + 30	140 . .
1	do 100 + 30 for 4 months	130 . .
3	Sub overseers 1st grade @ 50 each	150 . .
1	do 2nd grade	40 . .
2	do @ 35 each	70 . .
1	Accountant & Cashier	120 . .
	Head Office	
1	Head Clerk	
1	Assistant Clerk	45 . .
1	do	20 . .
1	Accountant	20 . .
1	Peon	20 . .
1	Store Keeper	8 . .
1	Inward & Despatcher	25 . .
2	Store Peons @ 8 each	9 . .
5	Inward Peons @ do	16 . .
1	Watchman	40 . .
1	Village Servant	7 . .
	Sub Office	2 . .
2	Clerks @ 20 each	40 . .
	Carried over	1616 . .

District Fund

1	District Surveyor.	do
1	Assistant do	30
1	Draftsman.	40
	Carried over	150

County Revenue

Part I

Statement of appropriations and outlay on Public Works, roads and bridges chargeable to the Local Grants Account of the Local Government Board for the County Revenue for the year 1926-27.

	Grants as per Appropriation Accounts	Local Grants and Public Loans Fund	Total
Original Works			
Maintenance Works	"	36,558	19,932
Miscellaneous Public Improvements	"	"	334
Expenses		36,558	18,266
Repairs			
Maintenance Works	"	3228	1864
Expenses	"	3228	1864
Original Bridges			
Bridges	"	1500	1463
Widening & Improvements	"	1150	1345
Re-Grants	"	"	9
Purchase	"	2000	3106
Expenses	"	15	21
Miscellaneous Public Improvements	"	3165	3165
(Repairs)			
Grand Total	£	47643	31203

The above expenditure is chargeable with the works of the Exchequer Grant Account the Appropriation Local Fund and the Income Tax Returns.

A. G. Bayliss Asst. Sec.

Local Taxation (Ireland) Account

Local Funds. £ 31203

(Cont'd from Page 1 of Abstract)

Part II

Details of Additional Grants and Reductions of Grants &c accompany the Annual Appropriation Military Accounts Canada for 1876-77

Particulars	Amount	References
Additions		
Original Works		
Communications		
Completing Road from St Lawrence Canal to Cornwall	2000	Vide Chief Commissioner's Report No 118-10 Ottawa 7th June 1876
do do do Beauharnois Canal to Valleyfield	1600	
do do do Beauharnois Canal to Allerdale and Regional	1200	
do do do Valleyfield to Beauharnois	1000	
do do do Cornwall Canal to Dalhousie	1000	
do do do Road from Burnside to Dalhousie	2000	
Constructing Abutments &c Dalhousie for Richmond Canal Drawbridge	500	
Transfer from Assistant Engineer's allowance under Repairs Communications to Original Works Communications for Making Road from Beauharnois to Allerdale	200	Vide Chief Commissioner's Memorandum No 232-24 Canals 10th July 1876
Transfer from Superintendents allowances under Repairs to Canals Works to Assistant Engineers Allowances under Original Works Communications for the same	100	
Carried over	9,100	

Bombay Presidency

Part II - Continued

Table of additional grants and reductions on grants accompanying Annual Appropriation and Audit Accounts, Local, for 1876-77

Particulars	Amount	Reference
Additions (continued)		
Original works		
Communications		
Brought forward	9,900	
Amount from Revenue Appropriation Communications to Engineer for surveying biennially Bramad road	30	Vide Re-appropriation Statement No. 391/46 dated 4th Sept 1876
and from Amount to Bramad	2000	Vide chief Communications Proceedings No. 428/71 dated 11th Oct 1876
and from Jamkhandi to Bilagi Gokak	1500	
and from Fraserpet to Siddapur	3000	
Amount required to obtain	3500	
Amount from Repairs Communications Opening out Road from Fraserpet Sirsi	1000	Vide Letter from Local Govt No. 578/15 dated 25th Oct 1876
Amount from Repairs Communications Opening out Road from Fraserpet Siddapur	500	Vide Local Govt No. 622/32 dated 4th Nov 1876
and from Annuity to Bramad	3600	Vide Local Govt No. 213 dated 26th January 1877
Remainder of the original Credit for Bramad Hagamandala Road	2998	Vide Local Govt No. 257 dated 2nd Feby 1877
Amount of Annuity Dilhimalli Road	6000	Vide Local Govt No. 248 dated 2nd Feby 1877
Opening Projected Road from Siddapur to Dilhimalli	1500	
Carried over	35505	

Coorg Provincial

Part II — Continued

Details of Additional grants and reductions in grants to accomp. the Annual Appropriation and Abstract Accounts for the year 1876-77.

Additions — Continued		
Original Works		
Communications		
Brought forward	35558	
Tracing Line of Communication proposed on Madikeri Somwarpet road	1000	Vide Local No. 248 dated 22 February
Transfer from the Sum placed at the disposal of Superintendent Coorg for tracing the road from Fraserpet to Somwarpet to the disposal of the Executive Engineer	915	Vide Local No. 375 dated 28th Febru
Total Original Works	37,473	
Repairs		
Common		
Annual Repairs & maintenance of roads — Rupees 12525		Vide Ch. 4 C. maintenance Pro
Less Amount of Grant-in-aid as shown in Imperial Budget — 6000	6525	No. 118/10 dated 1st June 1876
Repairing Travellers Bungalows & detached	200	Vide Local No. 170/27 dated 20th
Total Repairs	6725	
Establishments	2940	Vide C. S. Proc
Tools and Plants	1200	No. 118 dated 4-7-1 Ex. Engr. Mdkl. & 11-10-76.
Carried on	48335	

Cont'd from Page
Table III Concluded

Table of Additional Grants & Reductions in Grants to accompany the Estimate of Imperial & Local Services Account, Local Portion 1876-77

Brought Forward	48,308	
Additions — Continued —		
Amounts paid to Imperial Works —		
Transferred from Revenue Communications	767	Vide Accountant Statement No. 4 of Dec. 1876
Total Additions	50,105	
Reductions		
Original Works		
Communications		
Amount from Surplus and Disposal Public Works Department for Completing & Transfer Surveyances to Municipal Council & Disposal of Superintendent & Cons	915	Vide Local Gazette No. 520 of 26 October 1876
Total Original works	915	
Repairs		
Communications		
Amount of Original Communications now under Government Engineer & Works for Municipal Purposes from Bagumandala Collectorate	200	Vide Ch: Commr Circ: No. 222 of 10th July 1876.
Do Do from Revenue Repairs		Vide Accountant Statement
Surveying Annuities Allowance Road	30	No. 231/12 of 12/4/76
Do Do from Planting works		Vide Local Gazette
& from Receipts to Municipal	1000	No. 578/17 of 25 Oct 76.
Do Do Do Do		Vide Ch: Commr's
on Trunk Road to Nadiad	200	No. 622/32 of 4-12-76
Amount of Grants in Aid for repairing Communications to Municipality & Local Boards	17--	Vide Accountant Statement No. 4 Dec 1876.
Total Repairs	3177	
Total Reductions	4412	
Net Additions	45,693	

Accepted

Capt R E

Exp Accountant Public Works Branch
Bombay Secretariat

Schedule of Specific Line on Original Survey

Projects			
Estimated Cost of Works	No.	Name	Description
			Communications
	— 1 —		Completing the road from Pragapetah Seringal
	— 2 —		Tracing the Tal Causeway road
	— 3 —	Siddapur	Constructing a ramp to Causeway river at Siddapur
	— 4 —	Pragapetah	— do — Toll Keepers Hut & toll bar No.
	— 5 —		Tracing to Cumbally Ullumad road
	— 6 —		Opening out a Foot path road from Cumbally to Ullum
	— 7 —		Completing trace from Bajamandal to Billimalle via B
	— 8 —		Opening out the Nursery Cooly path road from Billimalle to Bajamandala
	— 9 —		Opening out the road from Pragapetah to Siddapur
	— 10 —		Constructing a causeway over the Causeway river at Pragapetah
	— 11 —		Tracing Sowdapetah Pragapetah road
	— 12 —		Tracing projected road from Siddapur to Billimalle
	— 13 —		Tracing Line of deviation proposed on the first survey
	— 14 —		Constructing Annalle Billimalle road
	— 15 —	Siddapur	— do — abutments at Siddapur No.
	— 16 —		Trace from Sowdapetah to Billy Ghaut
	— 17 —		Completing trace from Gonicopal to Siddapur
	— 18 —		Tracing opening out the road from Sammandalu to Sowdapetah
	— 19 —		Completing trace from Venugandapetta to Nallamad
	— 20 —		do — do — Nallamad to Bajamandala
			Total Communications
			All other useful Public Improvements
	— 1 —	Hattoor	Building Godds at Hattoor
	— 2 —	Sowdapetah	— do — at Sowdapetah Choultry
	— 3 —	Billimalle	— do — at Billimalle
			Total all Public Improvements

Grand

Annual

Estimate for the year 1876-77.

No.	Amount asked for 1876-77	1876-77 Grants: Engineer's Estimate	Grants: Finance Committee's Estimate	Grants: Amount of Expenditure in 1875-76	No.	Remarks on Reasons
1	11234	"	1500	1484	1	
2	416	"	340	"	2	Expenses over Contingencies Comp. small & unclassified repairs in each case exceeding £20 to be specified under P.W. Code Chap. XX. II. 30. S.R. & Orders under 24 & 1874
3	"	"	"	500	3	Works charged to Imperial.
4	544	"	"	379	4	Contingencies, Railway Offices & Establishments, to be framed by the Executive under Statute 39 Vict. Cap. XX. Sec. II para 30. S. Orders 24 & 1874.
5	335	"	290	113	5	Contingencies
6	5778	"	7630	5978	6	
7	6000	"	12000	6000	7	
8	1078	"	2998	1078	8	
9	3774	"	3500	3774	9	Superintendence by Executive Engineers Survey &c
10	2346	"	3500	2346	10	
11	915	"	915	915	11	Contingencies
12	85	"	1500	85	12	
13	5000	"	10000	5000	13	
14	"	"	6000	"	14	
15	"	"	500	"	15	
16	"	"	15000	"	16	
17	"	"	1000	"	17	
18	1086	"	1085	1085	18	Contingencies
19	"	"	1100	"	19	
20	"	"	1000	"	20	
			86508	77137		
	304	"	"	235	1	Completed
	371	"	"	267	2	Railway Offices & Establishments framed by the Executive under Statute Chap. XX. Sec. II para 30 & Orders 24 & 1874
	37	"	"	37	3	
				539		
Engineer Amounts			86508	78676		

A. T. Beasley
Capt. R.E.

Executive Engineer Amounts
Dispatched & Recd.

Schedule of Specific Sums on Original Works.

Estimated Amount	Nos	Locality	Description	Projects
			Communications	
	1		Completing the road from Trincopoly to Seringal	
	2		Tracing the Tal Causeway & road	
	3	Siddapur	Constructing ramps to Causeway river at Siddapur	
	4	Fraserpet	do Toll Keepers Hut & toll bar &c.	
	5		Tracing to Cumbatty Ullunad road	
	6		Opening out the Fair weather road from Cumbatty to Ullun	
	7		Completing trace from Bagamandala to Ullencara Ghat	
	8		Opening out the missing links in the road from Ullencara to Bagamandala.	
	9		Opening out a road from Fraserpet to Siddapur	
	10		Constructing a causeway over the Cauvery river at Bhag	
	11		Tracing Samarapet to Fraserpet road	
	12		Tracing projected road from Siddapur to Pittimatti	
	13		Tracing line of demarkation proposed on Road Cupet Samarap	
	14		Constructing Ammatti Pittimatti road	
	15	Siddapur	do allowance for Khans at Siddapur &c.	
	16		Trace from Samarapet to Bailey Ghaut	
	17		Completing trace from Gonicopal to Siddapur	
	18		Tracing & opening a road from Samarapet to Seringal	
	19		Completing trace from Veerajendrapett to Nuddy road	
	20		do do Mallenad to Bagamandala	
			Total Communications	
			Miscellaneous Public Improvements.	
	1	Ammatti	Sinking wells at Ammatti	
	2	Cumbatty	do at Cumbatty Chowkies	
	3	Pittimatti	do at Pittimatti	
			Total Miscellaneous Public Improvements	

Grand

Works

Estimate for the Year 1876-77

Remarks	Actual outlay for 1876-77	1876-77 Grants: Original Grants in Imperial Budget Estimate	1876-77 Grants: Revised Grants during the year	Outlay during the year	Number	Remarks or References
37	11234	"	1500	1484	1	
78	416	"	340	"	2	Excess over Estimate being small & within Rs 200 in each case accepted under P.W. Code chap. XX-11-30 Standing order 24 of 1874
—	—	"	"	— 500	3	Write back to Imperial.
53	844	"	"	379	4	Completed. Outlay without Appropriation was passed by the Examiner under Public works Code chap: XX. Sec: 11 para 30 S. order 24 of 1874.
94	385	"	290	113	5	Completed
30						
30	5878	"	7600	5878	6	
600	600	"	1200	600	7	Completed
98	1078	"	2998	1078	8	
—	3774	"	3500	3774	9	Excess passed by Exam under G.O. 8 Sep January 11
123	2346	"	3500	2346	10	
915	915	"	915	915	11	Completed
500	85	"	1500	85	12	
500	500	"	1000	500	13	
"	"	"	6000	"	14	
"	"	"	500	"	15	
"	"	"	1500	"	16	
"	"	"	1000	"	17	
1086	1086	"	1085	1085	18	Completed
"	"	"	1100	"	19	
900	"	"	1000	"	20	
			36558	17137		
"	204	"	"	235	1	Completed
15	371	"	"	267	2	Outlay without appropriations passed by the Examiner under P.W. Code chap XX Sec 11 para 30 S. order 24 of 1874
"	37	"	"	37	3	
"	"			539		
Original works			36558	18276		

A. Beazley
Ch. Asst. P.E.

Examined P.W. Office Accounts
Mysore & Coorg.

Coor

Schedule of Expenditure on Repairs

Division	Section	Particulars
		Communications
Chingleput		Annual Repairs of the Veeraperdapet Periapalayam road via Sholavaram 20½ miles
		do do Pattinjal road
		do Coovum portion of the Redhills Sholavaram road
	Sankarapuram	Repairing Travellers Bungalow at Sankarapuram
	Tirumalpur	do do Bungalow at Tirumalpur

Total Communications

Grand Total Repairs

Wells

Sales during the year 1876/77

Exchanges	Expenditure	Differences		Authority for Audit
		More than Estimate	Less than Estimate	
00	1016	16	"	
00	560	60	"	
25	48	"	477	Ex Accounts
"	190	190	"	
0	13	5	"	
	1869	"	"	
	1869	"	"	

Agreed
Sept. 78

Ex Accounts P. W. Chronicle K.
Mysore & Coo

Govt Gazette

Part II

Schedule of Expenditure on Establishment, Local during the Year 1876-77

Particulars	Amount	Total	Grand Total
Montreal			
Salaries	93	93	
Construction			
Salaries			
With Subordinates Establishment	930	"	"
10 Rivers do do	210	"	13
Office	477	"	4
Total Salaries	"	1617	13
Travelling allowances	"	1273	11
Contingencies	"	98	
Total Construction	"	2988	24
Grand Total	"	3087	29

County (Crown)

Part V Concluded

Abstract of Charges for Establishment

	Salaries	Travelling allowances	Contingencies	Total	Amount Budgeted for
Total Audited	1710	1273	98	3081	2940
Chargeable to Civil Budget	46	"	"	46	"
Net Audited	1664	1273	98	3035	"
Total Paid	1663	1345	98	3106	"
Debitable to Provincial Funds	"	"	"	"	"
Chargeable to Local Funds	1663	1345	98	3106	
Budget grant (Final)	1800	1140	"	2940	
Excess — Saved	"	205	98	166	
Excess — Lost	137	"	"	-	

Accepted

Cal. 1.9.6.

Examined Accounts
Mombasa

Coorg Province.

Part VI.

Statement showing Expenditure on Roads and Plant, Coorg during the year 1876-77.

	Expenditure shown in Abstract No. 4	Head Quarters	Out Stations	
			Head Quarters	Out Stations
New Supplies				
Tools and Plant	272	1200	916	
Cart Furniture	12			
Total New Supplies	284	1200	916	
Repairs and carriage of new plant to place	1	"	"	
Grand Total	285	1200	915	

A. Beaufoy
Captain
Executive Public Works, &c
Coorg Province and Coorg.

Rd
G.B.W.

No 1349 — A.G.
2215

A

To the Secretary to the Govt. of India

Sir,

I am directed by P.W. Commn. to submit the accounts of expenditure incurred by this Department from the Distrct Funds of Ajmer in 1876-77, having brought to notice that the percentage of Establishment Charge to works is only about 15%, whereas in the Provincial accounts the percentage is now about 30. I have the honor, by direction of the Chief Commissioner, to solicit the sanction of H.E. the G.G. in C to an arrangement by which the Dist. Funds shall in future be debited at the end of each year in Establishment in ~~30~~ 25% 20% of the outturn in Works

2 - The actual outturn by Department upon during the year in question was Rs 3,13,443 20145 on works and Rs 3106 in Establt; and, therefore, the arrangement now recommended existed, the Dist Funds would have been debited with Rs ~~78,360~~ 62,861 in addition and the Provincial compensating Budget relieved. — As the Main of the Department practically supervises and carry out all the works the arrangement

utile contabile in Jannuzzelo, ma
la disponibilità favorevole di un altro

Secretary

28/7/77
31/7/77